

Tactical Control or Bureaucratic Tactics?
An Analysis of Checks and Controls on Local, Hybrid, and
Substate Forces in US Foreign Policy

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This thesis is submitted for the degree of Doctor of Philosophy.

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By: Erica Lynn Gaston

Abstract: This thesis explores how the decision to try to mitigate risks when working with non-state, substate, or other more irregular armed groups might affect the decision to engage with these groups. It does so by examining nine case studies of US partnerships with local, hybrid, and substate forces (LHSFs) in Afghanistan, Iraq, and Syria from 2005 to 2019. The risk mitigation mechanisms that emerged in these US-LHSF relationships typify the sort of control mechanisms that Principal-Agent theory assumes patrons will deploy to better control or constrain agents. However, in many situations, these control mechanisms appeared to be driven more by political bargaining between different actors in the policy-making process, or as the result of bureaucratic protocols, elements that are more central to Bureaucratic or Foreign Policy Analysis. Analysis of these US-LHSF relationships from these two lenses offers theoretical contributions to both analytical models: it adds nuance to our understanding of how Principal-Agent theories might devolve within these non-state or irregular force partnerships, and some of the limitations of those theories, while also expanding the type of bargaining situations and bargaining players that might be analyzed under Bureaucratic Policy Analysis. The conclusion blends insights from both lenses to understand what might underlie this emerging trend toward regulating irregular actors, and also to more broadly understand how states respond to the risks surrounding non-state or substate actors within hybrid or complex security landscapes.

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List of Acronyms

ANA	Afghan National Army
ANA-TF	Afghan National Army Territorial Force
ANP	Afghan National Police
ALP	Afghan Local Police
CIA	Central Intelligence Agency (US)
CSO	Bureau of Conflict and Stabilization Operations (US)
DoD	Department of Defense (US)
FSA	Free Syrian Army
GIRoA	Government of the Islamic Republic of Afghanistan
GVHR	Gross Violations of Human Rights
ISIL	Islamic State of Iraq and the Levant
LHSF	Local, Hybrid, and Substate Forces
MOC	Military Operation Center
MoD	Ministry of Defense (Afghan)
Mol	Ministry of Interior (Afghan)
MOM	Müşterek Operasyon Merkezi (Joint Operation Center)
NDAA	National Defense Authorization Act (US)
PKK	Partîya Karkerên Kurdistanê (Kurdistan Workers' Party)
PMF	Popular Mobilization Force (Iraq)
SDF	Syrian Democratic Forces
SIGAR	Special Inspector General for Afghanistan Reconstruction
SOF	Special Operations Forces (US)
TOW	Tube-launched, Optically-tracked, Wireless-guided missiles
TMF	Tribal Mobilization Force (Iraq)
UNAMA	United Nations Assistance Mission in Afghanistan
YPG	Yekîneyên Parastina Gel (People's Protection Units)

Chapter I: Introduction

Sitting in a café in Istanbul in 2018, a former Free Syrian Army (FSA) coordinator shared the somewhat byzantine rules and regulations FSA fighters had to navigate to get US support (Interview #9). First there was the vetting and background checks – from a simple namecheck for the State Department support program to a process more like a “visa application” to receive support from the CIA. Then there were the different training protocols and redlines – human rights and laws of war protocols, a pledge to respect international detention standards in one initiative, and conditions to support the “rule of law” and not to recruit under-aged fighters for another. Once approved, submitting paperwork and reporting was a continuous part of the process. CIA-supported fighters submitted payroll stubs, filed video or written after-action reports, and returned spent missile casings to receive more (Entous 2015; 2016). Despite this, there were always more questions, about allegations of misconduct on the battlefield, or whether FSA groups had transgressed other redlines. Groups that had were sometimes forced to undergo re-training, or suspended from further support. To borrow a Shakespearean metaphor, it was as if the US had “let slip the dogs of war,”¹ but in this case it would take steps to regulate and tame them.

The US policies in Syria were subject to extreme levels of public scrutiny and internal contestation, which no doubt drove the heavy emphasis on risks and the micro-management of them. However, this approach of trying to regulate or mitigate the risks of non-state or substate armed groups was not limited to Syria. There had been similar risk mitigation efforts – through mechanisms like vetting, codes of conduct, weapons tracking, oversight or monitoring, or other checks – in US partnerships with local, quasi-official, and non-state forces in Iraq and Afghanistan, both before and after those in Syria. Such “control mechanisms,” as this thesis refers to them, have increased over time and across different country and conflict contexts. They have persisted even when they have outlived their usefulness, failed to limit risks, or proven costly to implement, even to the point of neutering the overall objectives of support.

What do such efforts suggest in terms of the theories or practice of proxy control, or in terms of the nature of non-state to state interactions in these fluid and complex security environments? To consider these questions, this thesis will examine risk mitigation in nine US partnerships with Local, Hybrid, or Substate Forces (LHSFs will be used hereinafter; definitions clarified below) in Syria, Iraq, and Afghanistan from 2005 to 2019. The analysis will consider how principal-agent or proxy control frameworks help

¹ William Shakespeare, *Julius Caesar*, Act 3, Scene 1.

identify the risks and the limitations of shaping the behavior of LHSF partners. However, it will also consider the larger political contexts surrounding such control mechanisms. US support to LHSFs in each of these countries has tended to invoke the interests of a range of political stakeholders, from other US policy stakeholders, to foreign diplomats and bureaucrats, to international or transnational organizations or networks, to the non-state armed groups themselves. In these environments, power and responsibility is frequently diffused, contested and shared across state and non-state, governmental and non-governmental, foreign and national authorities and intervenors alike. As a result, this range of interested parties may be able to express their concerns and interests in ways that shape the US-LHSF relationship and the prospects for control.

Considering this broader range of actors, and their efforts to influence US support to LHSFs, allows this thesis to delve insights far beyond the question of risk mitigation with irregular actors. Because the analysis will consider not only questions of proxy control, but also the political contestation surrounding such risk mitigation, it acts as a larger case study (or case studies) of what policy generation and decision-making looks like when external actors intervene in these hybrid political environments. The analytical toolkit developed offers a more nuanced framework for considering the interactions of the range of state, non-state, and transnational actors in these simultaneously transnational and subnational decision-making environments.

In addition, these partnerships sit figuratively and practically at the ‘tip of the spear’ of how the US or other international actors seek to engage in substate security politics. As such, the dynamics discussed within the case studies illustrate some of the dilemmas and considerations that arise as states try to figure out how to deal with the increasing salience of non-state, substate or irregular armed groups. As Mary Kaldor (2010: 9–10) observed, modern warfare is increasingly shaped and enacted by a “disparate range of different types of groups, such as para-military units, local warlords, criminal gangs, police forces, mercenary groups and also regular armies.” A large body of literature has also explored how non-state, quasi-official, or other irregular armed groups act as the de facto security providers and governing actors in so-called “ungoverned spaces” or as part of hybrid political orders or “limited access orders” (Ahram 2011; Sayigh 2018; Bagayoko 2012; Lawrence 2012; Lacher 2020; De Waal 2015; Felbab-Brown, Trinkunas, and Hamid 2017; Berti 2018; Mukhopadhyay 2014; Marten 2012; North, Wallis, and Weingast 2009; Clunan and Trinkunas 2010; M. Crawford and Miscik 2010; Hoddie and Hartzell 2010). Given these twin dynamics, “States have to learn how to live—and even coexist, cooperate, and prosper—with alternative forms and spaces of governance, including actors that use power and violence, sometimes in connivance with states but sometimes in collusion and conflict with them,” concluded Arie Kacowicz

(2012: 434). As such, it is all the more important to understand how states engage with these actors, and how states attempt to adjust, balance, and exert competing political preferences in these relationships.

Proxies, Surrogates and the By, With, & Through Strategy

States have long used militias or other proxy forces to advance security interests in areas beyond their control, from colonial endeavors through the Cold War (Aliyev 2016; Dixon 2009; Kalyvas 2008; Nagl 2002; Johnson and Clack 2015; Hughes 2012; M. Thomas 2013). Yet since 2001, there has been a renewed interest in proxy warfare and in nonstate and substate security actors' role in armed conflict. Seyom Brown (2016: 246) argues that given the "relative rise in power of non-state actors," the more polyarchic and chaotic nature of the international system, and lack of appetite among Western publics to put their own soldiers in harm's way, there will be an even stronger tendency to "outsource" war to non-state forces (also Groh 2019: 41–82). Given such trends, Mumford (2013:3) has argued that proxy or surrogate war-fighting is now the norm in modern conflict.

Outsourcing warfighting to nonstate, privatized, or other more irregular forces is certainly not new to the American way of war. The US relied on mercenaries, naval privateers, and other privatized or irregular forces in nearly every major conflict from the American war for independence through to World War II, and any number of "small wars" along the way (Boot 2014; A. Axelrod 2014; J. Phillips 2010). During the Cold War, the US backed a range of guerrillas, rebels, self-defense forces and death squads in countries including in Afghanistan, Nicaragua, Colombia, El Salvador, and Peru (Blum 2014; McClintock 1992; Rosenau and Gold 2019).

Yet while not new, proxy warfare and support to irregular, nonstate, or other substate forces has come out of the shadows and become more central to the US approach to warfighting since 2001, alongside other remote war-fighting strategies like drone strikes or global Special Operations. As Andreas Krieg (2016: 98) writes, with far-reaching global security interests and domestic war fatigue, "war by surrogate has become a preferred means of protecting US interests in the world, fundamentally redefining the US role vis-à-vis partners and adversaries alike." In September 2014, in his first public address on the US strategy to counter the Islamic State in Iraq and the Levant (ISIL), President Barack Obama (2014) took pains to emphasize this partner approach:

I want the American people to understand how this effort will be different from the wars in Iraq and Afghanistan. It will not involve American combat troops fighting on foreign soil. [...] it is consistent with the approach I outlined earlier this year: [...] to mobilize partners wherever possible to address broader challenges to international order.

By the end of the Obama Administration, working via other partners (state or non-state) had cohered into the “by, with, and through” approach, the predominant operational paradigm for US forces globally (Votel and Keravuori 2018; Department of Defense 2018).

The US still prefers to work “by, with, and through” the regular forces of state partners (Cochran 2010; Votel and Keravuori 2018). However, in many cases, the perceived security threat has emerged in areas where the sovereign state lacks full control or is unwilling to pursue US security objectives. In such contexts, the US has frequently sought alternative partners in the form of other irregular, non-state or quasi-official forces. The US relied on Northern Alliance militias as the ground forces in their invasion of Afghanistan in 2001 and 2002 (Andres, Wills, and Griffith 2005; Biddle 2005). The US (as well as other NATO countries) then continued to support a variety of non-state and paramilitary forces to substitute for gaps in Afghan security forces throughout the post-2002 military operations in Afghanistan (Giustozzi 2012; Derksen 2016b; Aikins 2012; Long 2016). From 2006 to 2008 in Iraq, and then from 2009 to 2013 in Afghanistan, the US mobilized and supported some 120,000 tribal and community forces as part of its counterinsurgency strategies in both countries (U.S. Senate 2008; Biddle 2012; Goodhand and Hakimi 2013; SIGAR 2018c). The rise of ISIL and the absence of full state control in Syria and Iraq prompted a new wave of US support to non-state actors, from a second tribal mobilization in Iraq to supporting anti-Assad rebels in Syria and later a coalition of Kurdish-led non-state forces in northeast Syria (A. Stein 2017; Thornton 2015). These examples from Iraq, Afghanistan and Syria are the focus of this thesis. However, US Special Operations Forces (SOF) and intelligence agents have also worked with a range of clan, warlord, or tribal militias in countries including Somalia, Nigeria, and Libya (Cochran 2010; Jeursen and van der Borgh 2014; Whitlock 2011; Badi 2020; Day, Felbab-Brown, and Haddad 2020; Menkhaus 2016).

As these nonstate or substate partnerships have happened more frequently, they have become normalized. They have risen from ad hoc, expedient initiatives to the sort of partnerships and approaches that are fronted as a central part of the US strategy. US mobilization of tribal and community forces in Afghanistan from 2009 (the focus of chapter III) was promoted as a lynchpin of the counter-Taliban strategy at the time. In the 2014 speech excerpted above, Obama went on to highlight that ISIL would be defeated not only through US support to the Iraqi state but also through enabling community, tribal, and nonstate forces on both sides of the border. As a result of this more public embrace of nonstate and local partners, relationships that might once have been taboo, and kept covert, are now a much more accepted part of US force projection. Support to irregular forces is no longer purely the preserve of covert presidential directives and CIA off-book funding arrangements, but is supported through regular, openly disclosed

funding lines with some public reporting attached to them. The 127e or “127echo” funds, named after a recurring provision in the National Defense Authorization Act (NDAA), provides funding for surrogate auxiliary forces on US Special Forces counterterrorism operations (NDAA FY2018: sec. 127; Terse 2018). Congressional staff described it as a fund designed to enable proxy relationships, and one that was deliberately agnostic on whether it supported state or non-state forces (Interviews #89, 93, 99).

However, while such partnerships may have become more frequent, they are still controversial. A wide body of literature has considered the costs and benefits of state delegation to nonstate or irregular forces (Hoekstra 2020; Dowdle 2007; Eck 2015; Byman 2007; Hughes 2012). Among the advantages, irregular or localized forces can be a cheap and expedient means of expanding the number of forces quickly (certainly cheaper than deploying more foreign troops)(Salehyan 2010a; Byman and Kreps 2010; W. Rosenau and Gold 2019). Local forces also tend to come with greater local intelligence and operating advantages (Jentzsch, Kalyvas, and Schubiger 2015; Leenders and Giustozzi 2019; Peic 2014; Eck 2015; Kalyvas 2006: 106–7). In counter-insurgency contexts, local or community-based forces’ local credibility and knowledge can make them more effective and sustainable at countering domestic insurgencies (Peic 2014; Lyall 2010; Jones 2012; Hughes and Tripodi 2009; Clayton and Thomson 2016: 499–510). In the context of proxy warfare, delegating some tasks to militias, rebels or other substate forces may enable external states to maintain plausible deniability and preserve strategic flexibility or avoid reputational costs (Mumford 2013; Groh 2019; Salehyan 2010a; Byman and Kreps 2010; W. Rosenau and Gold 2019).

While LHSFs can bring benefits, they also come with a number of drawbacks or risks, particularly in light of the profile and interests of would-be Western patrons. A prominent issue with many of these groups is the risk that Western support might aid and abet human rights violations or atrocities. While this risk might exist with any partner force, the risks of unruly behavior or *ultra vires* actions may be even greater with militias or irregular forces because of their weaker command structures, or the absence of the reputational and institutional constraints assumed to come with professional forces (Mitchell, Carey, and Butler 2014; Carey, Colaresi, and Mitchell 2015). Because militias may be harder to control, it may be more difficult to constrain or deter misconduct, abuse, or other counter-productive behavior (ibid.). Militias and rebel forces tend to be associated with higher rates of violence, and more transgressive violence, including war crimes and civilian abuse (Raleigh 2012; Alvarez 2006; Ahram 2016; Cohen and Nordås 2015). Some literature would suggest that states might see these groups’ propensity for violence as a potential selling point – a way for states to “outsource the dirty work” (Carey, Colaresi, and Mitchell 2015; B. B. Campbell and Brenner 2000; Alvarez 2006;

Biberman 2017; Ahram 2014). However, for many states, the risk that supported LHSFs might commit human rights abuses would be a major drawback, incurring the risk of legal liability and domestic and reputational costs.

Support to irregular forces can also result in unintended security consequences. Supported groups may attack Western forces, or later mutate into a threatening actor themselves (B. G. Williams 2012; Hughes 2012: 58–68). For example, a very prominent concern with arming Syrian rebels was the risk that they would “go rogue,” and like the US-funded mujahedeen in Afghanistan in the 1980s, become a transnational terrorist threat (Clinton 2014: 463; Blume 2014). Many militias, rebels, and irregular forces have links with criminal or terrorist networks and thus providing arms or support to them, or drive other sources of violence (Felbab-Brown, Trinkunas, & Hamid, 2017; Jentzsch et al., 2015; Marten, 2012: 10–13). Proxies may also manipulate the situation to their own ends; they may use external support to escalate the conflict or drag the patron into deeper involvement in the conflict (Groh 2019: 92–93; Brown 2016: 247–48; Byman 2018).

Western states may also fear that arming LHSFs would undermine other security or policy goals. In many of the contexts in which LHSFs are supported, the US is engaged in broader stabilization, peacekeeping, or statebuilding activities. Arming LHSFs may serve immediate security aims but prove destabilizing to other long-term objectives in these environments. Arming one portion of a community against the other (as is typical in local force and counterinsurgency mobilizations) can seed cycles of retaliation and local conflict, and inadvertently intensify the conflict (Clayton and Thomson 2016; 2014; Jentzsch, Kalyvas, and Schubiger 2015: 6; Kalyvas 2006: 376; Hughes and Tripodi 2009: 25). Delegation to irregular actors outside of the state may also create a political economy that disincentivizes full state control of security, and creates profit motives for violence (Aikins 2012; Forsberg 2010; Marten 2012; Strachan and Scheipers 2011; De Waal 2015). Western state-builders aiming to address state weakness or failure (Rotberg 2010; Klare 2004; Bates 2008) might also see support to LHSFs as undermining the state “monopoly on force” or violence (Cigar 2014; Deutscher Bundestag 2013). While such terms and objectives are highly contested (S. L. Woodward 2017; Call 2008; Goodhand and Sedra 2013), they reflect the prescriptions that Western states frequently adopt, and thus are frequently voiced as a risk or consequence of LHSF support.

One might presume that would-be patrons would engage in a sort of cost-benefit analysis before deciding to work with LHSFs (Byman and Kreps 2010) or that states might weigh the relative costs and benefits of one group as compared to another before making a choice of which to support (Biberman 2017). However, this sort of cost-benefit framework would tend to treat the risks or costs associated with a given LHSF as fixed or unmovable. There has so far been less attention given to whether and how states attempt

to mitigate these negative consequences and risks, and how doing so might affect a state's calculus in whether to partner with them. There has been some consideration given to whether formalizing or institutionalizing militias might improve their conduct and performance, or defray some of the risks of undermining state authority (Gosztonyi, Koehler, and Feda 2015; Wehrey and Ahram 2015; Staniland 2015: 775–76). Using processes of integration or institutionalization to limit the potential risks presented by armed groups outside of state control is also a recurring theme of the literature on disarmament, demobilization, and reintegration programming (Wehrey 2018; Berdal and Ucko 2010; Department of Peacekeeping Operations 2010). The literature on principal-agent theory (discussed further below) also frequently focuses on how patrons try to control their agents, or prevent them from engaging in counter-productive behavior, albeit usually with minimal success in the field of security assistance (Byman 2006; Biddle, Macdonald, and Baker 2018; Ladwig 2016; Carey, Colaresi, and Mitchell 2015). What is often absent from these discussions is how the assumption – or alternately, the conceit – that risks or costs could be limited or mitigated might affect a state's cost-benefit analysis, and the decision to provide support.

Interrogating the linkage between efforts to mitigate risks surrounding a given security partner and decisions to engage with them would appear crucial in the US case. The US has repeatedly worked with LHSFs over the last two decades, but as it has done so, it has also increasingly applied a range of conditions or mechanisms aimed at constraining or limiting the risks associated with these forces. For example, a basic due diligence step that has evolved has been to screen supported individuals for certain risk criteria, including risk of past human rights abuses or affiliation with terrorist or criminal groups. Those who pass screening and are given funding are often provided with training, a code of conduct, or asked to pledge to certain standards, including abiding by the laws of war and refraining from abuses. US support to LHSFs has frequently come with other restrictions and conditions designed to limit other perceived risks of these forces – for example, limits on where forces could operate, how large each unit could be, and the type of weaponry provided. In many scenarios, the US has insisted on monitoring or reporting measures designed to keep track of arms and equipment provided, in order to track how US-provided materiel is used and to limit its transfer to other hostile actors. Where rules were not complied with, forces were cut off, with examples of such sanctions enforced on the basis of allegations of human rights abuses as well as other misconduct in Iraq, Afghanistan, and Syria. The remainder of this chapter and this thesis will explore the motivations behind such checks, conditions, and controls, and how they might relate to decisions to authorize LHSF support, or to expand it.

What's in a Name? Armed Group Typologies and Case Study Characteristics

Before getting into some of the theories that might be applied to explain control mechanisms, it is important to set to introduce the groups involved. What to call these forces, and how to classify them, has been the subject of rigorous academic debate. The groups discussed in the Iraq and Afghanistan case studies would generally match typologies of pro-government militias, or paramilitary or state-parallel forces (Jentzsch, Kalyvas, and Schubiger 2015; Aliyev 2016; Ahram 2011). Antonio Giustozzi offers a definition of “auxiliary irregular forces” or “militias” that captures the essential characteristics of most groups in this thesis:

Auxiliary irregular forces (militias) are semi-trained or untrained armed groups, are under a loose chain of command from the political authorities, are deployed near home, have limited or no access to sophisticated weaponry and limited or no logistical capability, and hence are dependent on the logistical support of the regular army (Giustozzi 2014: 89–90).

However, this definition does not apply fully to all of the groups, at least not at all times. Some were indeed deployed near home and had limited independent capacity, in particular the groups that might correspond with definitions of local or community defense forces, like the 2006 Sons of Iraq and the 2010 Afghan Local Police. Also sometimes referred to as community watches, home guards, self-defense forces, or civil defense groups, these local forces have been described as a “defensive form of pro-government militia that incumbents often use to harness the participation of civilians during a counterinsurgency campaign” (Clayton and Thomson 2016: 499; also Clayton and Thomson 2014; Biberman 2017; Long et al. 2012; Jones 2012).

However, while many of the groups in this thesis fit the model of local counterinsurgents, and of Giustozzi's definition, others demonstrated much greater levels of autonomy and mobility, operated on a national or regional scope, and aligned more with other US security objectives. Some functioned as what are often described as paramilitary, or state-parallel militias, or more pejoratively, as “death squads” (Ahram 2011; Holden 2004; Aliyev 2016; Innes 2012; B. B. Campbell and Brenner 2000). Others demonstrated more substantial autonomy and a level of local or regional political significance that make them more akin to “warlords” (i.e. some of the subgroups within the Afghanistan LHSFs) (Marten 2012; Mukhopadhyay 2014; Reno 2010), or “hybrid” or “near-state” actors (the Syrian Democratic Forces). The latter set of terms has been used to describe armed actors that have the level of coercive or territorial control of a state but lack the full legal recognition of a sovereign state or one of its subsidiary parts (Cambanis 2019; Mansour and Salisbury 2019; M. Crawford and Miscik 2010).

In addition to pro-government or state-parallel groups, this thesis also includes non-state armed groups who stand in opposition to the government, or at least are not aligned with it. The range of groups whom the US provided support to in Syria would be analyzed within the broader literature on opposition forces, guerrillas, rebels, or insurgents (Jo, Dvir, and Isidori 2016; Lund 2013; Kapstein and Ribar 2019; Marsden and Schmid 2015; Salehyan, Gleditsch, and Cunningham 2011; Staniland 2014). Although these groups are most commonly described as “anti-government” forces, Jentzsch, Kalyvas, and Schubiger’s (2015) make the point that opposition (or support) to the government may not be as significant a feature as whether a group is opposed to insurgent or rebel forces in the territory. That distinction is certainly relevant for several of the groups. For example, the Syrian Democratic Forces were not exactly standing in opposition to the Syrian regime (they demonstrated several efforts to reconcile with it) but were staunchly opposed to ISIL, and the latter was the primary reason for US support.

A last major category or classification that many of these forces would trip is that of proxies or surrogate forces (Salehyan 2010a; Salehyan, Gleditsch, and Cunningham 2011; Byman 2007; Innes 2012). Certainly all of the groups in this thesis would match certain criteria associated with proxies or surrogates given their relationship with the US (as well as with other external states). Nonetheless, it is important to recognize that many have their own interests and agendas, and may act as significant security-governance providers or political actors in their own right. A much larger body of literature has analyzed non-state or quasi-official forces from the perspective of the role that they play within surrounding political or social orders, whether as part of hybrid political orders, as warlords or political violence entrepreneurs, or as an extension of criminal networks or gangs (Ahram 2011; Sayigh 2018; Bagayoko 2012; Lawrence 2012; Lacher 2020; De Waal 2015; Felbab-Brown, Trinkunas, and Hamid 2017; Berti 2018; Mukhopadhyay 2014; Marten 2012). Although this will not be the focus of this thesis, these surrounding dynamics, and the political interests and position of the armed groups in question certainly do influence many of the risk calculations involved, as well as the potential for external actors like the US to control or constrain them.

Because the groups in the case studies transverse any number of categories or typologies, this thesis will refer to them generically as Local, Hybrid, or Substate Forces (LHSFs). The table on the subsequent page (Chart A) summarizes some of the terms or typologies that would commonly be applied to the case study groups.

Chart A: Common Terms or Categories Applicable to Case Study Groups

Group, period examined in case study	Common terms applied	Discussion in Thesis
Sahwa* or Sons of Iraq , mid-2006-2009	Local or self-defense forces, counterinsurgents, ‘anti-insurgent’ forces; Some subgroups connected to / identified as warlords or criminal gangs	Chapter III
Afghan Local Police,* 2010-2020 / precursor Local Defense Initiatives, 2009-2012	Local or self-defense forces, counterinsurgents, pro-government militias; Some subgroups connected to / identified as warlords or criminal gangs	Chapter III, Chapter VI
Free Syrian Army , late 2012-2014 for non-lethal support; late 2012-2017 for CIA covert support	Local forces or militias in level of organization, but rebel or opposition groups in alignment	Chapter IV
New Syrian Force , summer 2014-Oct. 2015	Local forces or parastatal forces, opposition or anti-insurgent (against ISIL) groups, proxies or surrogates (for US)	Chapter IV
Other northern Syrian Arab groups , Oct. 2015-late 2016	Rebels, opposition forces, anti-insurgent forces (against ISIL), proxies (for Turkey)	Chapter IV
Syrian Democratic Forces , 2015-2019	Near-state or hybrid armed actor; anti-insurgent (against ISIL); proxies or auxiliaries (for US); Includes subsidiary parts a) designated as terrorist groups (PKK); b) acting as local, self-defense forces (self-defense units)	Chapter IV
Tribal Mobilization Force* (Iraq), 2015-2019	Local forces / self-defense forces / counterinsurgents	Chapter V
Afghan National Army Territorial Force,* 2018-2020	Local forces, paramilitary forces, pro-government forces	Chapter V
Counterterrorism Pursuit Teams or “ campaign forces ” (Afghanistan), 2002-2020	Militias, paramilitary or auxiliary forces; pro-government forces; death squads; surrogates or proxies (for US counterterrorism missions)	Chapter V
Tribal counterterrorism auxiliaries (Iraq), late 2014-2019	Militias, paramilitary or auxiliary forces; pro-government forces; surrogates or proxies (for US counterterrorism missions)	Chapter V
* These forces were granted some degree of state title, status or recognition over the course of the case study.		

On the case study dates noted in the chart, most roughly correspond with the duration of the force or of US support to it. The start date for each case study generally includes the period of deliberation immediately prior to formal authorization or actual delivery of assistance. The end date selected is either the end date of that US initiative, or the conclusion of research where US support was ongoing. Additional time period information is included in the case studies, as relevant.

The major focus of the subsequent analysis is not to further the classification of these groups, or to interrogate the question of how the nature of these groups might affect the degree to which they can be controlled. Instead, the actor under examination here is the United States, and how its political decision-makers and bureaucratic organs respond to the challenge of working with armed groups not under full state control, whatever their form, function, degree of allegiance, or categorization. The US has not limited itself to non-state armed groups of a particular typology or operating modality in selecting its partners, and neither will this thesis in its examination of US partnerships.

A last important characteristic to discuss is the degree to which each of the case study groups constitute irregular actors and their legal status. Although some of the groups are clearly non-state actors, others enjoyed some degree of legal recognition. Some were embedded in state structures, nominally took orders from state actors (albeit often not in practice), sported uniforms, and received formal training. For the main case study groups in Iraq and Afghanistan – the Sons of Iraq or *sahwa* initiative, the Afghan Local Police, the Iraqi Tribal Mobilization Force, and the Afghan National Army Territorial Force – the bulk of the forces started out as non-state, tribal or community militias and were mobilized under or later integrated into state institutions.² After such integration, these forces would more accurately be categorized as substate or quasi-official forces (depending on the degree of integration), or even simply as state forces.

Given the focus on analyzing US relationships with forces outside of state control, it might seem natural to exclude groups that reached a level of state recognition or integration. However, to characterize these groups as regular state forces would also be inexact. Despite their formal titles, many remained closer to irregular or local forces than full state actors in terms of their connection to and subservience to state control, their degree of organization and command and control, and the political and community dynamics surrounding them. For example, although under the Afghan Ministry of Interior for well over a decade, at its closure, the Afghan Local Police still acted and was treated more as a collection of state-linked militias than as a regular state force. Even more

² The Afghan National Army Territorial Force had a different recruitment model from the other three, and was closest to being like a regular force. These distinctions are further discussed in chapter V.

significant for the focus of this thesis, legalization or partial institutionalization of these forces tends to be part of the strategy for control and risk mitigation. The quasi-institutionalization of these forces within state structures is often demanded by the US as a way to address state responsibility concerns or to increase control by making these groups subject to the disciplinary and oversight mechanisms of the state. Thus, excluding groups from this thesis once this institutionalization or quasi-official designation takes place would exclude much of the action in a story about how states try to control these forces and mitigate the risks surrounding them.

Many of the risks and risk mitigation strategies that will be discussed would also apply to state forces. However, there are several reasons for distinguishing and focusing on more irregular forces. Although state and non-state forces may share many of the same drawbacks or risks, the risk calculations may differ slightly with non-state or quasi-official forces. Irregular forces are more likely to lack the sort of command-and-control structures, or disciplinary processes that might constrain *ultra vires* acts or abuses (Mitchell, Carey and Butler, 2014). The lack of such institutional constraints might not only make abuses more likely, but also – given that institutions take time to build – can be harder to rapidly substitute for through ad hoc control mechanisms. In addition, supporting abusive non-state forces introduces state responsibility and liability issues not present when dealing with the forces of another state. From a legal standpoint, even where another state’s institutional and military command structures do not actually fulfill their role of restraining or punishing misconduct or abuses, they at least absorb the legal responsibility for doing so. Whether merited or not, non-state forces come with the stigma of being unaccountable, abusive, or pernicious forces (Plana 2020), and so may appear more costly for Western states worried about domestic public opinion or international reputational costs. These same risks also extend to non-state forces that have only recently been granted some degree of state status or are only quasi-institutionalized. They still tend to behave like militias, with lower levels of discipline and forces that are less subject to state control. Such groups may also still be perceived as militias, engendering the same reputational costs and potentially a greater degree of external state responsibility when foreign forces are directly engaged.

As the introduction to this chapter noted, nonstate and substate forces are an increasingly prominent part of warfare, and of state calculations in how to intervene in security dynamics in other states. Given this more prominent role, more specific consideration of the particular risk calculations surrounding LHSFs is all the more important for assessing state decisions regarding security assistance and use of force.

A Theory of Control or of Tactics? Theoretical Lenses & Chapter Overview

This thesis will apply insights from two frameworks, Principal-Agent theory and Bureaucratic Policy Analysis, to better understand why control mechanisms arose in US-LHSF relationships, and how they related to US decision-making processes.

Principal-Agent theory has often been used to analyze the relationships involved in security assistance, both state-to-state assistance and state support to non-state groups (Biddle, Macdonald, and Baker 2018; Cochran 2010; Berman and Lake 2019; Byman 2006; Ladwig 2016; Salehyan 2010a; Salehyan, Gleditsch, and Cunningham 2011; Aliyev 2016; San-Akca 2016; Byman and Kreps 2010). It is a useful paradigm for capturing why states might delegate or outsource security functions to other actors. Principal-Agent theory also sets out the sort of problems or dilemmas likely to arise within that delegation, the difficulty of knowing agents' intentions, the moral hazard that is likely to result from this imperfect knowledge, and the ways that agents might distort policy preferences. Last, it offers a typology of control strategies for principals to try to minimize such costs (Berman and Lake 2019; Salehyan 2010a; Salehyan, Siroky, and Wood 2014; Biddle, Macdonald, and Baker 2018: 100–103).

The five categories of “control mechanisms” that recur in the Principal-Agent literature closely match the type of control mechanisms that frequently arise in US LHSF relationships (Hawkins et al., 2006b: 26–31). Principal-Agent theory anticipates that principals will use *selection mechanisms* to identify “like-minded” agents with similar preferences and interests, or those who present few conflicts of interests or other risks; that they will establish *rules and standards* of conduct for the agent; conduct *monitoring and oversight* to ensure those standards are met; create institutional *checks and balances* that disincentivize opportunistic or adverse behavior; or create *sanctions or rewards* that punish slack or incentivize the desired behavior (Hawkins et al. 2006; Kiewiet and McCubbins 1991). These would seem to align with many of the checks, conditions, and controls that arose in LHSF delegations in Iraq, Afghanistan, and Syria.

However, there is another potentially important lens to explore. As noted, the focus of this thesis is not primarily whether control was achieved with respect to these groups but how US decision-makers and bureaucratic organs responded to the perceived risks of working with these groups, and how such calculations might have influenced decisions about whether to support them or not. To examine such questions, a framework that relates more to understanding political dynamics and decision-making within a government apparatus may be more apt. Given this, a second explanatory lens considered will be that of Foreign Policy Analysis, also described as Bureaucratic Policy Analysis (BPA). Those applying BPA tend to view foreign policy outcomes as the product

of bargaining between different actors or ‘players’ in the foreign policy process (Allison 1971: 144–184; Halperin, Kanter, and Clapp 1974; Hill 2015: 88–89). The foreign policy decision or outcome that results is a compromise between the positions of these different actors. As applied to the issues in this thesis, one might see the control mechanisms that resulted as a reflection of competing risk preferences or views among the different stakeholders involved. An additional lens provided by BPA is that of organizational processes. BPA assumes that bureaucratic organizations and processes will affect foreign policy decisions by “structur[ing] the situations in which policy makers take decisions” (Alden and Aran 2012: 32). Bureaucratic lenses or tendencies, and standard practices and protocols will influence how information is interpreted, the policy alternatives developed, and the way that a decision is taken forward or implemented in practice (Alden and Aran 2012: 32–33; Allison and Halperin 1972: 55–56; Allison 1971: 66–71). Such perspectives would appear important for the subject matter in question, given the range of bureaucratic actors and organizations involved in deliberating or implementing LHSF initiatives, and that many of these “control mechanisms” reflect the sort of bureaucratic practices or outputs that feature heavily in organizational analyses.

The case studies and chapters will use these two frameworks of Principal-Agent theory and BPA to ask a series of interrelated questions: What factors or dynamics drove the manifestation of control mechanisms? What explains their persistence over time, even where they failed to limit risks, proved costly to implement, or neutered much of the potential impact of the initiatives in question? How did control mechanisms relate to internal decision-making over whether to support a given LHSF initiative, or the bargaining dynamics with other external actors and partners? How does the greater manifestation of control mechanisms relate to increased overt reliance on LHSFs?

However, beyond these particular thesis questions, the findings and analytical tools presented in this thesis speak to much larger themes within the literature on Conflict Studies and International Relations. The analysis in this thesis is as much about what mechanisms or processes govern the messy reality of transnational and transgovernmental policymaking in these mixed, coopted, shared, and ultimately hybrid policymaking environments, as it is about the particular practice of risk mitigation itself. The puzzle of why and how such controls emerged is explored by testing how theories of principal-agent control versus the more political and organizational dynamics of BPA hold up within these hybrid political environments. The result is a more nuanced account of principal-agent dynamics in such situations, and an innovative application of BPA to a situation involving unconventional policy generators and co-participants in US decision-making, including foreign states, de facto territory holders, and other non-governmental or transnational networks or actors. The final chapters conclude by considering how such

dynamics evolve over time, providing an account of change and evolution in such transnational policy environments that might offer insights for a number of situations beyond the particular practice of risk mitigation and controls.

Methods, Positionality, and Case Study Selection

This thesis will test how well the expectations of Principal-Agent and BPA theories explain the dynamics of risk mitigation and control mechanisms surrounding US partnerships with LHSFs. Beyond simply testing these theories, the case studies seek to extend their application, and to provide a more nuanced, qualitative account of how these expectations might manifest in substate security politics, and as concerns policymaking environments that frequently involve transnational actors and influences. This requires some degree of process tracing to establish causality and to generate new hypotheses alongside existing theories and expectations. The focus within each case study is to approach the question of causality by tracing the sequence of events, decisions, and organizational, political, or situational dynamics that appeared to lead to the outcomes in question. This process tracing then seeks to establish what causal factors or drivers of control mechanisms are relevant to decision-making processes across different contexts and situations.

The analysis draws from a range of sources, including academic articles and books, governmental or non-governmental studies and assessments, media reports, congressional testimony, relevant legislation, government program documents or press briefings, and other written accounts of the case study groups or decision-making moments. The research also substantially draws from 206 in-depth, qualitative interviews conducted from 2016 to 2021. Those interviewed include US civilian and military officers; representatives of partner governments and militaries; Iraqi and Afghan officials and forces; representatives of the military and political bodies of the Autonomous Administration of North and East Syria (Rojava); members or commanders of the LHSFs; United Nations officials and representatives in these countries, representatives of non-governmental organizations and civil society groups; and other experts, journalists, academics, or observers.

Interviews were conducted in person in the course of field research trips, or remotely, by telephone, Skype, or Whatsapp. The interview list that follows the Works Cited includes information on the means of interview, as well as the date and information about the interviewee's position. The primary phases of fieldwork in the course of this PhD program were conducted in Turkey and Iraq from 17 September to 19 November 2018; and in Afghanistan from 17 July to 28 July 2019. These research trips were facilitated by three partner research organizations, the Global Public Policy institute, the

American University of Iraq in Sulaimani, and the Afghanistan Analysts Network. The author also conducted interviews during several trips to Washington, DC, including from 5 to 23 June 2018, 10 May to 24 June 2019, and 18 to 29 September 2019.

The vast majority of interviews were conducted by the author. However, due to limitations on accessing certain areas due to security conditions, the author interviews were supplemented by a limited number of interviews shared by the Global Public Policy institute. The data collected in these shared interviews was developed as part of a collaborative process, with the author jointly developing the research questions with Global Public Policy institute, with a view toward using the information in this thesis and in other joint publications.

The same general inquiries or questions arose with each case study, but whether certain question sets were relevant or not for a given interview depended most strongly on the position of the individual in question. In most cases, interviewees only had insight or perspectives into one country, one particular case study initiative within that country, or only one aspect of that US-LHSF relationship or control mechanism. For example, for a higher-level US decision-maker, it might be more important to focus on the most critical issues in deciding whether to partner with a given LHSF, or the most salient aspects or points of tension in debates with other states or with Congress on that LHSF initiative. By contrast, a lower-level State Department or Department of Defense (DoD) official might have more technical information about the nature of the control mechanism in question, how it was developed, when, and what other inputs or factors affected its implementation. This made it crucial to spend the first few minutes of every interview identifying with greater precision how the individual was connected to the programs in question, over what period of time, what sort of perspective or information they might be able to offer, and then adopting an interview approach and set of questions that would accord with their level of knowledge.

Where possible and comfortable for the interviewees, the interviews were conducted in English. I have a background in Dari and Arabic, but do not speak them fluently, and would have particular difficulty with certain dialects of Arabic. Therefore, for those interviews not in English, I preferred to have a translator to reduce the risk of missed context or mistakes in translation. In these cases, having a background in Dari and Arabic was still highly useful, in terms of facilitating follow-up questions, and being able to cross-check and verify potential mis-interpretations or mis-translations. I do not speak Kurdish, nor much Pashtu, so translation was necessary for interviewees who only spoke these languages.

Most interviewees preferred to speak anonymously. Given that, and to further protect confidentiality (see further on this in the research in conflict zones discussion below), the default preference is to quote all interviewees anonymously unless permission to do otherwise was explicitly granted by the interviewee. Some interviewees chose to only speak on background, and are not cited even anonymously in the text of this thesis. Given that some of these programs, or program details within them might involve sensitive or classified material, former or current government officials interviewed were encouraged to use their discretion and not respond to any questions that might invoke confidential information.

While the core research for this thesis was conducted in the course of the PhD program, I was also able to draw from my prior decade of work experience and analysis on related issues. Prior to beginning my PhD, I was engaged in substantial field research in or was based for some time in Afghanistan, Iraq, Yemen, Pakistan, Egypt, and other parts of the Middle East, North Africa, and the Horn of Africa. As a result, I had some baseline information on many of these programs prior to the start of the PhD program, which was useful for generating interviews and contributing to the literature review. Some interviews relied on in this thesis were conducted prior to the start of this PhD project. For full transparency, these are separately listed in the interview list and are also indicated in each interview citation with the prefix “P” for prior interviews.

Interviewees were identified through a process of snowball sampling. The author’s past experience and work in these countries furnished an initial list of interview subjects. Each person interviewed was then asked for recommendations for further interviews. Additional interviewees were identified through the literature review. For each of the case studies, the author tried to identify individuals who had been involved at different levels of engagement. both those engaged in authorization decisions and bargaining, and those involved in implementing control mechanisms or working with the forces in question. This resulted in some interviews with senior policymakers and officials, but more often involved mid- to lower-level policy staff, particularly for the implementation questions. For certain case studies, there were already informative accounts of high-level debates in other reportage, in leaked policy cables, or in the principal policymakers’ autobiographical accounts.

Background and Positionality

Because a researcher’s positionality – whether influenced by personal experience and background, prior work experiences, or past disciplinary or research lenses – can affect how research is approached and its outcomes, it is important to reflect more on the nature of my prior engagement in these countries and with the subject matter (Savin-

Baden and Major 2013; Rowe 2014). From 2008 to 2012, I worked as a conflict-related researcher and human rights advocate in Afghanistan and Pakistan (and remotely on Somalia) for two non-governmental organizations. From 2012 to 2016, I worked on rule of law, conflict resolution, and security sector research, program development, and policy advice related to Afghanistan and Yemen, first for the United States Institute of Peace and then for the Berlin-based Global Public Policy institute. Prior to beginning my PhD course, and continuing on a more limited part-time basis throughout it,³ I conducted field or desk research and published some analytical pieces or reviews related to non-state and “hybrid” armed actors in Iraq, Afghanistan, and Syria, and on political dynamics and proxy competition in Iraq, for non-academic research organizations.

This significant prior field research and country experience offered a number of advantages. The data and interview observations I collected in the course of these other research projects and work experiences have been invaluable in lending deeper contextual insights and in providing points of data or inferences directly relevant for this thesis. These past and ongoing research positions, the pre-existing network of contacts they generated, and my reputation as a credible researcher on sensitive security and rights issues helped me to identify research subjects and facilitated interview requests. Certainly, I would not have been able to capture as wide a range of views, across three different conflict contexts, without prior research experience and networks in these areas. Many of my interview subjects were only comfortable discussing this issue because they had interacted with me on prior research projects, or because I was referred to them as someone who had engaged extensively “on the ground.” Finally, navigating the ethical and security dilemmas of field research in these conflict contexts would have been exceedingly difficult, and much riskier, without more than a decade of experience conducting documentation and research in these environments.

Nonetheless while this past experience was overall an advantage, it is important to reflect on how these past experiences might have shaped the course of research, and the conclusions drawn, particularly given that this thesis is focused on analyzing a particular aspect of US foreign policy. My prior field research and publications have frequently contributed to policy debates and discourse, and in some prior positions (most notably as a human rights advocate from 2008 to 2012), the goal was to shape US policies in ways that limited civilian harm. My continuing interest in improving the understanding of conflict dynamics, and of how international intervention might contribute to harm and violence, inevitably shape some of the lines of inquiry and content of this thesis.

³ Any outside research or writing during the course of my PhD was conducted on a part-time basis, in keeping with the limitations imposed by visa restrictions and the University of Cambridge PhD guidelines.

Nonetheless, this thesis is not intended as part of an “activist” research agenda, and I have attempted to avoid prescriptive or partial analysis in this thesis. Where an issue arose that might have been informed by my past advocacy experiences, I took much greater steps to corroborate points of fact through other sources, to seek out competing views, and to exclude any data or points of analysis that could not be independently verified or triangulated.

Outside of this past policy-relevant research, my prior background and pedagogical training was as a US-trained lawyer. A substantial portion of my past field research has gone toward developing several academic legal articles and edited volumes focused on changing international legal norms and emerging practice in conflict zones (Gaston 2008; E. L. Gaston 2017; Gaston 2019; E. L. Gaston 2012). This would be less likely to influence outside perceptions, but certainly influenced my epistemological views, frames of reference and analytical approach at certain points in the thesis.

While I may be confident of my intent to take an objective approach, and of steps taken in the course of research or analysis to limit bias or skewed results, this does not mean that others will be fully convinced of my objectivity. My past record in human rights documentation, and in the “gray literature” of policy and practitioner analysis might influence the way that this thesis research is received. Ultimately, I cannot fully know or alter how others view or interpret the research, but I can at least be transparent in the sources of influence and interpretation. Throughout this research I have been careful to cite to my prior work wherever prior research findings or projects might have influenced or evidenced the points in question.

An additional risk of substantial experience and pre-existing networks is that the researcher becomes too much of an ‘insider,’ compromising objectivity in ways that might generate bias, or limit the research. Determining whether one has the advantages or disadvantages associated with ‘insider’ or ‘outsider’ status can be a fluid and highly positional inquiry in itself (Merton 1972). In my case, although I have worked substantially around policy circles, I have never worked for or been part of the US government or US military. As a result most US government officials interviewed viewed me as an ‘outsider,’ but one whom they were more willing to speak to given my past experience in these environments and related to sensitive US programming. In that sense my background was close enough to enable greater access, but was not so close that it fundamentally challenged my impartiality and potential for objective research.

Others whom I interviewed in Iraq and Afghanistan may well have viewed me as an ‘insider’ or as someone representing the larger US foreign policy efforts in these countries, either due to my past work associations or because of my personal background

as an American national. In some areas, simply being an American engaged in research and inquiry on issues of conflict and of US intervention and programming is enough to generate the presumption of ‘insider’ status (if not taken as certain evidence of engagement in intelligence activities) (Carapico 2006). This issue was most acute in Iraq, but also was an issue to be aware of among some interviewees in Syria and Afghanistan. As a researcher, I can transparently explain my objectives, be sure to obtain informed consent, convey my impartiality and openness in the way I ask and respond to questions, and perhaps by dint of referral by a trusted intermediary go some way toward reassuring the interviewee of my neutrality, or at least of my intent to convey their views with impartiality. I cannot ultimately guarantee that they will be persuaded by these efforts, but in most cases I did not feel that the interlocutors’ perception of me as an American, or as someone engaged in the policy discourse, impeded me learning something from them. In only two interviews did I feel it necessary to end the interview early because of concerns that such perceptions were too prejudicial to the conversation, and/or because the interviewees’ perceptions of me might generate a personal safety issue.

My overall take on the influence of these factors on the research would largely reflect the conclusions of Rachel Ormston (2014) and her colleagues that: “all research will be influenced by the researcher and there is no completely ‘neutral’ or ‘objective’ knowledge” but that we nonetheless can – and must – strive to “avoid obvious, conscious, or systematic bias and to be as neutral as possible in the collection, interpretation, and presentation of data.” To do so, it was important to take into account not only my own positionality, but also the potential for bias or misrepresentation (intentional or not) among interlocutors. This made it all the more important to interview a wide range of interview subjects, including many from different background, positions, or viewpoints from mine, and also to have a variation in the types of sources, enabling a more robust cross-checking of accounts.

Where specific claims were made about the program design or the control mechanisms developed, supporting documents or evidence were requested and frequently available, in the form of internal memos, policy documents or summaries, briefings or presentations, or other concurrent accounts. In some cases, it was possible to document exchanges or “bargaining” between different actors from copies of email correspondence at the time. Across all of the case studies, accounts of control mechanisms, bargaining positions, and the nature of government approaches were cross-verified and triangulated across interviews. If an interviewee mentioned a particular feature as part of a common approach, this point was then raised with other policy officials serving in roughly the same, or immediately subsequent, time period as a means of cross-verification or to seek further information. For example, within the Syria case

study, US officials' observations that there was "double" or "triple" vetting, that vetting criteria included concern that the groups were "too Islamic," or that there were concerns about "marbling" were then cross-checked across multiple interviewees.

In some cases, accounts by interviewees who came from different sides of the bargaining debate or different sides of the US-LHSF relationships were cross-checked against each other. For example, accounts from Free Syrian Army commanders and members were useful in comparing how control mechanisms were used by different US agencies and initiatives, given that many had experience across multiple iterations of US support. This also helped in corroborating US government officials' accounts of the control mechanisms applied. Where a specific control mechanism was enforced, for example, a group was cut from US funding due to misconduct, the account was verified by both US official sources and the groups in question, or else was not explicitly provided as an example. Beyond checking factual points or examples, corroboration or cross-comparison was also used to evaluate perceptions of the most significant issues or turning points within bargaining dynamics. For example, it was helpful to compare US and NATO officials' accounts of the Afghan Local Police debate, with those of NGOs, UN representatives or other external actors; the similarity in their recollections about how the debate devolved, what sort of bargaining took place, and the key issue sets helped to confirm the reliability beyond any one individual's account.

An additional reliability check was that no case study account depended on interview reflections alone. Evidence in media, governmental, or non-governmental reports written concurrently with the initiative in question helped corroborate the interview testimony. This additional literature and reporting, along with prior academic articles on these groups or periods of time, helped to further expand the sources of information and analysis beyond what would have been possible through interview outreach alone. Although the majority of interviewees were only interviewed once, it was also possible to interview some sources over the course of several interviews. This was additionally useful as a way to cross-check information received from other interlocutors.

Research in Conflict Zones

Issues of potential bias or misrepresentation, and the risk of politicization of research or perverse incentives may be particularly acute in conflict research (van der Haar, Heijmans, and Hilhorst 2013; Goodhand 2000; Malejacq and Mukhopadhyay 2016). As Wood (2006) aptly summarizes, "the ethical imperative of research ("do no harm") is intensified in conflict zones by political polarization, the presence of armed actors, the precarious security of most residents, the general unpredictability of events, and the traumatization through violence of combatants and civilians alike."

Some of the same approaches that are generally endorsed as ways to respond to bias, positionality, or dissimulation in qualitative research are all the more important in the highly fraught context of conflict zones. This includes some of the methods discussed above of diversity and variation in sources, seeking as wide as is possible (and safe) a range of viewpoints, flexibility and adaptability in research methods (as needed for both safety concerns and variation), and an even greater sensitivity to issues of confidentiality (Vlassenroot 2006; Barakat et al. 2002; Goodhand 2000).

Engaging in research in conflict-affected areas also raises additional issues of access and security (Goodhand 2000; Fast 2013; Kovats-Bernat 2002; Vlassenroot 2006). Navigating these issues and mitigating some of the surrounding risks was significantly aided by my prior research exposure, and the length of time that I have engaged with the subject matter in question. To conduct field research in conflict zones researchers should have a deep understanding of the patterns of violence and conflict, surrounding power dynamics, potential political or safety implications for fellow researchers, interview subjects, or the wider community, and modes of operating that might address these risks. My more than a decade of experience in these conflict environments (specific to the most sensitive field research sites, since 2007 in Afghanistan, and since 2016 in Iraq) gave me a firm background in the broad outlines to be aware of – from questions that might be too sensitive to be broached without risk of harm, to operational logistics and safety concerns in each location. It is worth noting that my prior engagement with field research in conflict zones was not a transient experience of a few weeks or even months, but multiple years of living, working, and operating in these environments, and conducting field research in a low-profile manner across large swathes of Afghanistan, Yemen, and Iraq (among other countries). My responsibility was to ensure the safety not only of myself but also of a wide number of research colleagues, partners and community members.

Notwithstanding this depth of experience, conflict dynamics constantly fluctuate and redlines shift. Having a wide network of contacts is therefore also important, in order to constantly update this contextual information. Before each research trip, and even before engaging in certain remote research calls, I solicited a wide range of views to help me update my awareness on the conflict lines, political sensitivities, modes of operating, potential issues in research questions and subject matter. Part of the rationale for pursuing this research under the auspices of partner research institutions was to have a built-in institutional structure and organizational safeguards surrounding my research, and expert and local researchers and colleagues who were permanently located in these countries available for continuous consultation. In keeping with the University of Cambridge guidelines and risk assessment process, I also restricted the duration of each

trip, and also limited the number of locations within each country to those that were relatively more stable, and where greater security precautions could be taken.

There were two advantages related specifically to the subject matter and to my engagement with it that made issues of access, politicized manipulation of the material, and safety concerns slightly less acute with this research than with past research that I have been engaged in. Although this thesis deals with conflict dynamics and actors in Iraq, Afghanistan, and Syria, the substantial focus is on understanding US political and institutional reactions to them, and the field research in particular was often focused on corroborating points or details surrounding the application of what were ultimately technical US-based mechanisms. This meant that in many cases the actual subject matter and nature of the questions was less sensitive in the given environments than the overall topic of engagement with armed actors, or within active conflict zones, might suggest. For example, although instances of violence were relevant, my research inquiry was not focused on gathering evidence and documentation of abuses or violence (the sort of research that frequently raises issues of re-traumatization or exposure to further threats). In interviews with members of LHSFs, the focus was often corroborating or cross-checking program information, or what was stated to me by US officials or forces. Often these technical details – for example, the nature or length of the vetting process, how long their US training regime lasted (if conducted at all), whether there was follow-up questioning or reporting – were not as sensitive as other research inquiries surrounding armed groups might be (for example, collecting evidence on their sources of income, engagement in illicit trafficking, or operating patterns or allegiances).

A second factor that helped was that because I have followed these issues and groups over a substantial period of time, it was possible to conduct certain inquiries or interviews at a time when it presented fewer risks. It was much less sensitive to be asking about CIA or State Department support to select FSA groups in 2018 than it would have been in 2013. The latter would have presented substantial roadblocks, dissimulation of information, and in certain locations, safety risks; it also would have been more susceptible to politicization in the context of the 2013 “information economy” – a high point for deliberation over further US intervention. Most of my case studies involve US support that has already ended, which generally decreased the sensitivity surrounding these programs. The fact that most of these initiatives had already ended also decreased the potential that my asking questions about them would create false expectations, or be seen as legitimizing these groups, which are also important risk factors to be aware of in conflict research.

At the same time, while distance from the event may decrease the sensitivity and risks associated with an inquiry, it may undermine the accuracy of the interview material,

or result in missed connections or key data points. Being present in Afghanistan as the ALP was created, conducting research around Mosul as the TMF were being deployed, or in DC during the period of fervent policy debates about how to support FSA in Syria made me aware of certain contextual dynamics, micro-policy developments or exchanges (i.e., meetings or junctions at which these issues were considered), and relevant interlocutors that I might have missed without these experiences. While hindsight may be 20-20, it can also be quite hazy. The written accounts or recorded observations from those working with or researching the ALP in 2010 and 2011 appear much sharper, more nuanced, and more accurate than some of the interview accounts and fuzzy recollections encountered about the ALP in 2020.

This is why I would underscore that my continuous engagement with these issues and these groups over a substantial period of time was an advantage. It allowed me to take the distance and safety precautions needed for certain cases, without losing some of the granularity and contextual clues that are more available in the moment.

Case Study Selection

Although this thesis is comparative in nature, covering three country contexts from 2005 to 2019, in many ways the focus is on US foreign policy. The reason for focusing on the US is in part a question of frequency. Since 2001, the US has frequently supported, armed, or cooperated with LHSFs in pursuit of its counterterrorism or counter-insurgency objectives (Cochran 2010; Mazzetti 2014a; Gaston 2021; Callimachi et al. 2018; Naylor 2015; Long et al. 2012). While countries like Russia, Iran, Turkey, or the United Arab Emirates have also frequently cultivated non-state or substate proxies or partners, their differing policy commitments and interior dynamics would force less of a reckoning with the potential countervailing risks and consequences of such proxy interventions, and thus would augur less toward a risk mitigation approach. Among Western countries, which might have a greater need to weigh these countervailing risks and the domestic or international reputational costs attached to them, the US has been the most active in supporting LHSFs. While the UK, France, Germany, the Netherlands, Denmark, and Italy, have cooperated with or even supported nonstate forces or hybrid security actors – in countries including Syria, the Sahel, Iraq, Libya, Afghanistan, and Somalia – they have done so in a more limited, reluctant, or secret fashion (Sabbagh 2019; N. K. Powell 2020; Megerisi and Lebovich 2019; Watling and Reynolds 2020; Ruys 2014; Loveluck 2012; Day, Felbab-Brown, and Haddad 2020; Giustozzi 2012; Badi 2020). Thus, the more frequent US resort to working with LHSFs, together with its larger global impact on security dynamics and interventions, makes the US the most significant case study for the issue in question. Exploring the approach of different Western countries vis-à-vis LHSFs, or how other non-

Western states consider risk mitigation approaches, would be interesting directions for future research, but were beyond the scope of this thesis.

The three sites of US intervention and US-LHSF cooperation considered, Afghanistan, Iraq and Syria, have been selected because they present: 1) a significant number and range of US local and substate support efforts; 2) differing intervention contexts and environments, which would appear to predispose for different outcomes for control; 3) evidence of policy transfer between the programs in these three countries. Programs designed to support, but control, irregular forces have been tested in Afghanistan repeatedly, with continuous examples of such initiatives stretching back to 2005 and continuing to the present. There has been a similar volume of LHSF initiatives in Iraq. However, the surrounding security context, the levels of US manpower on the ground, and the US strategy have not remained constant in either country, and these factors might influence the program evolution and control dynamics over time. Including examples from both Afghanistan and Iraq also allowed the potential to examine one route of policy transfer, given that similar strategies were adopted, and the same personnel were involved in LHSFs in both countries. Syria completes this picture, with control policies and approaches that had matured in Afghanistan and Iraq then applied in Syria, despite the markedly different ground dynamics and more limited potential for US control. The substantially different intervention context in Syria, with US support to non-state armed groups in opposition to the sovereign state, rather than in support of it, was also important. This allowed some consideration for whether control mechanisms were affected by the nature of the relationship with the sovereign state in question. One might expect the risks to be higher in a situation of hostile intervention, but also that the prospects for control would be more limited, either because of more limited access to territory, greater liability concerns, or inability to rely on the institutions and resources of the sovereign state in question as a proxy control strategy.

Examining US-backed forces in other countries (for example, in Libya, Yemen, or Somalia) was considered, and would no doubt offer important additional perspectives. However, a greater number of case study countries would have limited the degree of attention given to interrogating political bargaining and intervention dynamics in each case study. Given the methodology and theoretical lens being adopted, such qualitative case consideration was important and would not have been possible in more than three countries within the length limitations of a Cambridge thesis. Iraq, Afghanistan, and Syria appeared to offer more examples of LHSFs, particularly those that were large and longstanding enough to generate sufficient data and attention. There were also interconnections between the dynamics in three countries, which might allow some basis for observing policy transfer as well as potentially some synergies in the research and

contextual learning on each country. For example, the US adopted similar counterinsurgency and statebuilding approaches in Iraq and Afghanistan, and many of the same personnel rotated between both countries. Because the ISIL threat crossed both Iraq and Syria over the same period, there was common security concerns and contextual elements across both of those countries for several of the case studies. Given this, choosing these three countries offered contrasting dynamics, but also common points for comparison.

Chapter Outline

This thesis will proceed as follows. Chapter II will elaborate upon some of the theoretical expectations and assumptions of Principal-Agent theory and BPA, and provide some starting hypotheses for how they do (or do not) explain the practice that manifested. This chapter will also elaborate on how non-US stakeholders took part in or influenced the decisions to adopt control mechanisms. BPA has frequently been applied to formal government processes, to bargaining within bureaucracies, or between different branches of government. However, in the bargaining scenarios at issue, US actors alone were not the only participants in the decision-making around LHSFs and how to control them. Given this, this chapter will consider pathways by which other non-US government actors, including Afghan and Iraqi leaders, representatives of NATO allies, as well as transnational, domestic, or local NGOs or civil society organizations, and the LHSFs themselves. Chapter II will introduce some pathways by which other actors might influence US decision-making, widening the traditional BPA lens of who takes part in bargaining.

Chapter III will introduce the first two case studies, US support to tribal militias in Iraq from 2005 to 2009 (the *sahwa* or Sons of Iraq) and that in Afghanistan from 2009 to 2012 (the local defense initiatives and ALP). The chapter will compare the manifestation of control mechanisms in both of these LHSF initiatives to explore the relative traction of either Principal-Agent theory or BPA bargaining dynamics in explaining the control mechanisms that result. The chapter will also introduce ways that control mechanisms might reflect the tactics or strategies of different stakeholders engaged in deliberations over these forces, in particular in bargaining with the foreign leaders of both countries.

Chapter IV will introduce five iterations of US support to Syrian armed groups between 2013 and 2019. The different iterations illustrate a range of bargaining dynamics, including the classic BPA model of high-level deliberations surrounding the US president, more iterative intra-bureaucratic bargaining during implementation, inter-branch bargaining between Congress and the Executive Branch, and also different modes of bargaining and influence in relation to foreign states and bureaucracies. The Syria

discussion will also introduce more fully how BPA organizational theories might apply to the case studies, and how these interacted with the bargaining dynamics.

Chapter V builds chronologically and conceptually from the prior two chapters, discussing two new LHSFs in Iraq and Afghanistan from 2015 on. Despite some new bargaining dynamics and difference in the forces and environments, these two later LHSFs replicated some of the same control mechanisms and accountability approaches of the LHSFs that preceded them. The commonalities between them are used to explore mechanisms of policy transfer, in particular the role of BPA organizational tendencies and protocols. Chapter V also introduces some LHSFs who do not appear to follow the trend toward greater controls, and uses these exceptions to derive factors that help explain driving motivations for control mechanisms.

Chapter VI considers what mechanisms or actors might be behind the evidence of an evolving common approach toward controls, providing an account of change within bureaucratic and organizational processes and precepts. To do so it revisits some of the external actors' engagement with the ALP over the decade of its establishment, and also how external actors' cooperation with Congress, and a key moment of policy assemblage helped entrench a set of human rights control mechanisms.

Chapter VII responds to the overarching question of why control mechanisms manifest, and their relationship to US decision-making regarding LHSFs. Reflecting on how control mechanisms were used in the case studies, it suggests that control mechanisms facilitated a compromise between the competing interests of bargaining players and bureaucratic actors. By facilitating this compromise, it allowed controversial or LHSF initiatives to go forward notwithstanding concerns about their risks. As such, control mechanisms might be viewed as an enabling device, allowing a wider practice of engagement with LHSFs, even when the costs and benefits of doing so did not necessarily add up. Because such control mechanisms were ultimately more about prevailing in bargaining debates or satisfying bureaucratic pressure points or concerns than about constraining the actions of the LHSFs, such control mechanisms continued to persist even where they (routinely) failed to mitigate risks, or substantially increased the costs.

Chapter II: Theorizing Control Mechanisms

This chapter will introduce some theoretical expectations for why control mechanisms might arise, borrowing primarily from two conceptual frameworks: Principal-Agent theory and Bureaucratic Policy Analysis. Substantial literature has relied on Principal-Agent theory to explain why states delegate security tasks to external actors, the risks that arise within those delegations, and the control mechanisms that principals deploy to address these risks. While Bureaucratic Policy Analysis has been used less commonly in situations like that of LHSF support, its premise that foreign policy decisions and funding choices are due to the intra-bureaucratic deliberations and organizational frameworks surrounding these decisions may yield insights given the type of actors involved and decision-making situations involved. What do these two frameworks suggest in terms of the expectations for control mechanisms surrounding LHSFs? What situations or dynamics should we look for to understand the manifestation of control mechanisms in the subsequent case studies?

Principal-Agent Theory

Agency or Principal-Agent theory emerged within academic economic literature in the 1970s as a way to understand relationships within complex organizations, and the consequences of differing interests within such relationships (Ross 1973; Jensen and Meckling 1976; Eisenhardt 1989; also Mitnick 1975). Principal-Agent theory gained greater prominence in political science with the rise of rational choice theory (S. P. Shapiro 2005: 270–73; Moe 1984; Eisenhardt 1989). Most political science discussions of Principal-Agent theory have focused on delegations of power and authority within political organizations and bureaucracies, for example, between the legislative body and the government bureaucracy (Kiewiet and McCubbins 1991; McCubbins and Schwartz 1984; Ferejohn and Shipan 1990; Weingast 1984; Fiorina 1982; McCubbins, Noll, and Weingast 1989). However, Principal-Agent theory has also been applied in international relations and conflict studies literature. It has been used to understand delegations of authority by states to international organizations or with intergovernmental bodies, such as the European Union community (Hawkins et al. 2006; Pollack 2003). It has been a prominent framework used to discuss proxy warfare relationships and dynamics (Groh 2019; Berman and Lake 2019; Cochran 2010; Fox 2019; Byman 2007; Salehyan 2010b), and to explain dilemmas surrounding state delegation of security tasks, whether to other states (Biddle, Macdonald, and Baker 2018; Cochran 2010; Berman and Lake 2019; Byman 2006; Ladwig 2016) and to non-state forces (Salehyan 2010a; Salehyan, Gleditsch, and Cunningham 2011; Aliyev 2016; San-Akca 2016; Byman and Kreps 2010).

The overall construct of Principal-Agent theory is to analogize relationships to a contract in which one party, the principal, delegates a task to another party, the agent (Eisenhardt 1989: 58; Jensen and Meckling 1976). The logic of such delegation is that it allows for division of labor and time and/or cost savings for the principal (Jensen and Meckling 1976; Ross 1973). Delegation will be particularly attractive where the agents have specific expertise, knowledge, or technical competency, or where the task would be particularly costly for the principal to perform (Hawkins et al. 2006: 12–14). However, agents tend to have their own interests and preferences. As Oliver Williamson (1985: 30) described them, agents are “self-interest seeking with guile.” They may shirk the task they are given, or act in other ways that are adverse to the principal’s interests, what is referred to as policy “slack” (Lake and McCubbins 2006: 8, 24; S. P. Shapiro 2005: 279–80). To limit such slack, principals will try to pick agents with the closest possible interests. However, principals frequently lack information, and such *information asymmetries* can lead the principal to choose an agent ill-suited to the task, or whose interests, profile, or objectives pose greater risks than are acceptable (Eisenhardt 1989; S. P. Shapiro 2005; Arrow 1985; Banks and Weingast 1992). This is known generally as *adverse selection* (Lake and McCubbins 2006; Biddle, Macdonald, and Baker 2018: 97). Choosing an agent without full knowledge of the risks involved can increase the overall *moral hazard* of the relationship (Crawford and Kuperman 2006; Hölmstrom 1979).

Principal-Agent theory predicts that principals might try to minimize shirking or slack by developing mechanisms of control (S. P. Shapiro 2005; Eisenhardt 1989; Hawkins et al. 2006: 26–31). In addition to developing *selection mechanisms* to try to choose the best agent or filter out those with conflicts of interest, the principal might establish *rules and standards* of conduct for the agent, or set out parameters for carrying out the task. Establishing *monitoring and oversight* or reporting mechanisms can determine whether those rules and parameters are being followed, while *incentives or sanctions* can be used to enforce compliance. In some delegation situations, the principal might create *checks and balances* by vesting other institutions or agents with overlapping or competing mandates, so that various agents check each other without the principal having to be involved (Hawkins et al. 2006; Kiewiet and McCubbins 1991).

While control mechanisms might sound attractive in theory – what principal does not want to minimize slack? – there may be many reasons that principals decide not to apply them, or to do so only minimally. A core assumption of Principal-Agent theory is that control mechanisms are costly, and that in many situations they may not bring substantial dividends or work at all (Kiewiet and McCubbins 1991; McCubbins and Schwartz 1984; Pollack 1997; Hawkins et al. 2006: 24). The resources and time spent trying to enact them may outweigh the benefits of the delegation. In certain situations,

introducing cumbersome control mechanisms might impede the ability of the agent to carry out the task effectively. For all of these reasons, Principal-Agent theory presumes that principals will not pursue control mechanisms where the costs of imposing them outweigh the benefits (Kiewiet and McCubbins 1991; Pollack 1997: 108–9). As a rule, principals will pursue the least costly control mechanisms, even if this leaves large room for divergence. Inversely, principals will also presumably impose control mechanisms only where the benefits outweigh the costs. For that reason, we might assume that principals will be less interested in pursuing control mechanisms where they deliver fewer benefits, for example, in situations where they appear unlikely to work.

Principal-Agent theory offers a number of factors that would make control mechanisms too costly. Control mechanisms significantly depend on knowledge of what the agent is doing, whether it has carried out the assigned tasks, stuck to the standards in questions, or engaged in undesirable behavior or slack. High information symmetries – whether due to the nature of the environment, the knowledge base of the principal, or the relative specialization of the agent – will make it more costly for the principal to obtain that information. As Erica Gould (2006) summarizes, monitoring “will be more costly if that activity is less observable, less measurable, and more dependent on agent expertise” (Gould, 2006, 290-291, citing Bawn 1995: 697; Epstein and O’Halloran 1994: 716; Huber and Shipan 2002; Bendor et al. 2001: 244; Kiewiet and McCubbins 1991: 17). It could also come down to a question of efficiency and agency expertise. As Darren Hawkins and his co-authors (2006: 25) note: “If the principal must learn everything that the agent knows and observe everything the agent does, the gains from specialization diminish accordingly. At the extreme, with perfect knowledge and monitoring, it is almost as if the principal has performed the task herself” (also Byman and Kreps 2010: 9). Heavy controls in such situations are costly because they undermine the value of delegation.

Similar conditions may impede control mechanisms from working, essentially from delivering the sort of benefits that would justify their costs. Control mechanisms are less likely to work in situations where selection is limited, and where there are these high information asymmetries. Although all the control mechanisms outlined above might constrain the agent, selection mechanisms tend to be treated as the most crucial. Finding a like-minded agent decreases the likelihood of significant slack or adverse behavior without the need to deploy costly control mechanisms (Brehm and Gates 1994; Berman et al. 2019). In addition, where selection is limited or misplaced, it can have knock-on effects or correlate with the weakness of other control mechanisms. In a limited selection pool, “agents know that principals have few other options,” and so sanctions are less likely to be credible, note Hawkins and Jacoby (2006: 204; also Hawkins et al. 2006: 13–14, 21). Adverse selection also tends to go hand-in-hand with deficits in other controls. For

example, where information asymmetry contributes to adverse selection, it also frequently impairs follow-on monitoring and enforcement. This may be particularly true where the delegation is highly dependent on agent expertise, because in such scenarios the agent likely has more knowledge or access to information than the principal, and could easily evade monitoring or other attempts at control (Gould 2006).

Other qualities or characteristics of the delegation might also impair control mechanisms. Where the tasks delegated represent a high policy priority, and there are no credible alternatives (for example, by the patron directly taking on the task itself), then principals may be more willing to tolerate slack (Hawkins et al. 2006: 13–15). In addition, because sanctions are less credible where agents know that the principal has limited alternatives, we would expect weaker results from control mechanisms in these high-priority delegations (Biddle, Macdonald, and Baker 2018; Hawkins and Jacoby 2006: 204). Control mechanisms might also be weaker, or less likely to succeed due to the nature of the principal, or of the agent in question. For example, “complex patrons” – principals with more than one actor or entity within it, as with a bureaucracy – may face higher coordination costs in trying to exert controls, and because agents can play the multiple parts off against each other, complex principals may be less effective in enforcing standards and conditions (Hawkins et al. 2006: 32; Lyne, Nielson, and Tierney 2006). In situations where there are multiple, competing principals vying for agents, agents are less reliant on any one patron, and threats or sanctions may be less effective.

To briefly summarize, Principal-Agent theory offers a number of expectations:

- Expectation 1: States will delegate where it allows them cost-savings, division of labor and specialization.
- Expectation 2: However, such delegations will frequently result in side effects or costs for the patron because of dissimilar interests between the principal and the agent. Information asymmetry and a limited selection pool will tend to increase such adverse selection and the accompanying agency slack.
- Expectation 3: Principals are likely to try to address slack by erecting control mechanisms, such as selection, monitoring, enforcement and sanctions, but these are costly and frequently weak, particularly in environments with high information asymmetry, a limited selection pool, and high principal dependence on the delegation.
- Expectation 4: Where monitoring and enforcement would prove costly, where delegation is a high priority, and/or where there are limited delegation options (the agent is indispensable), principals are likely to have a high tolerance for slack and exert minimal effort at control mechanisms.

Principal-Agent Theory Expectations for LHSF Delegations

To explore how these expectations might help explain the dynamics surrounding LHSF delegations, it is helpful to briefly examine what the available literature suggests about these principal-agent theories in the sort of conflict environments and security assistance delegations at issue in the case studies.

Expectation 1: States will delegate where it allows them cost-savings, division of labor and specialization.

A wide body of evidence suggests that states will delegate to LHSFs where it saves them from deploying their own forces (Salehyan 2010a; Salehyan, Gleditsch, and Cunningham 2011; Long 2016; Krieg 2016). Such proxies enable “warfare on the cheap,” saving both the financial and political costs of deploying more of a state’s own forces (Mumford 2007; W. Rosenau and Gold 2019; Watling and Reynolds 2020). Local forces also tend to have few employment options, and are already present in the target locations, meaning they can be mobilized more cheaply and quickly than either external states or even those of the third-party state (Galula 2006: 54; Peic 2014: 65; W. Rosenau and Gold 2019; Salehyan 2010a). In addition to such cost-savings, local forces are valued for bringing substantial local know-how, relationships and intelligence – essentially where they might be viewed as specialists in the local conflict (Kalyvas 2006: 107–9; Lyall 2010: 15; Peic 2014; Clayton and Thomson 2016: 499–510; Salehyan 2010a: 504). Such arguments have been applied specifically to LHSF delegations in Iraq, Afghanistan and Syria. Supporting Syrian forces was much less politically costly than the proposal to deploy US ground forces (Thornton 2015; Waldman 2018; Krieg 2016; Maguire 2020). In Iraq and Afghanistan, supporting local tribal counterinsurgents in Iraq and Afghanistan not only saved more US forces from being deployed, but were argued to be better (more specialized) at identifying insurgent fighters or winning credibility in local communities (Ahram 2016; Clayton and Thomson 2014; Jones 2012; Long et al. 2012: 161–63).

Expectation 2: However, such delegations will frequently result in side effects or costs for the patron because of dissimilar interests between the principal and the agent. Information asymmetry and a limited selection pool will tend to increase such adverse selection and the accompanying agency slack.

Existing literature also readily supports the second proposition, with examples of adverse selection and agent slack across these US support and security assistance relationships in Iraq, Afghanistan, and Syria. These have been due in significant part to the limited selection pool and information asymmetry. Where the United States has sought to delegate counterterrorism or counterinsurgency tasks, the third party states or non-state forces in question have frequently shirked the desired tasks, or only pursued

security tasks as it suited their own interests (Byman 2006; Biddle, Macdonald, and Baker 2018; Berman and Lake 2019; Cochran 2010; Thornton 2015; Hughes 2014; Hughes and Tripodi 2009). In most cases, it has not been that the US is blind to the differing interests and counter-productive behavior of its partners, but that it has few other alternatives. Taking the example of US counterinsurgency goals in Iraq and Afghanistan, Stephen Biddle and colleagues noted that, in such situations, “the US is rarely free to choose some better qualified local ally than the threatened regime, as the point of the war is to preserve the regime” (Biddle, Macdonald, and Baker 2018: 97; also Byman 2006; Berman et al. 2019; Cochran 2010).

The selection pool of non-state actors is often equally limited. Where the US has partnered with non-state actors, it is often as a last resort, because no state partners are able or willing to address the security threats in that territory. Within these conflict contexts, there is usually a limited subset of armed actors that know the local context, are militarily capable, and are willing to partner with the US (or vice versa). For example, while there were hundreds of armed groups active in Syria following the outbreak of civil war in 2011, the US ultimately found only one fighting coalition, the Kurdish-led Syrian Democratic Forces (discussed further in Chapter IV), that had the military capacity and interest in pursuing the US objective of defeating ISIL (Thornton 2015; Hughes 2014).

Expectation 3: Principals are likely to try to address slack by erecting control mechanisms, such as selection, monitoring, enforcement and sanctions, but these are costly and frequently weak, particularly in environments with high information asymmetry, a limited selection pool, and high principal dependence on the delegation.

There is also substantial evidence that the US attempted to establish control mechanisms like vetting, monitoring, and sanctions in a range of LHSF relationships (McNerney et al. 2017; Biddle, Macdonald, and Baker 2018; Marten 2012; Entous 2015; Gaston 2017a; Ahram 2011: 90–92). As the subsequent three chapters will establish in greater detail, the US would adopt a range of control mechanisms with its LHSF partners in Afghanistan, Iraq, and Syria. There were often formal and complex vetting processes and criteria, as well as informal selection processes (Office of the Inspector General 2015; Office of Audits 2016; Office of the Inspector General 2016a). In many of the case studies, the US also developed formal codes of conduct or rules, which were then inculcated through training or through US forces’ advising and mentoring (Office of the Inspector General 2015; SIGAR 2018c). There also tended to be a variety of monitoring and reporting mechanisms, designed to detect non-compliance, and in many of the programs, sanctions to reduce pay or equipment for forces who did not comply (SIGAR 2018a). Some of these control mechanisms were a regular part of US law and applied beyond the particular

groups in question. For example, one provision relevant to nearly all the case studies is the Leahy law,⁴ which establishes a human rights vetting or selection criteria for US support to foreign forces and mandates sanctions (cuts from US funding) where abuses manifest. Others were established de novo for the specific LHSF initiative in question.

However, Principal-Agent theory suggests heavy costs and limitations when control mechanisms are applied in conflict environments (Fox 2019; Salehyan 2010; Byman 2006). Principal-Agent theory expects that controls will be more costly or harder to enforce where the information is less observable or depends on agent expertise. Conflict zones represent such limitations to an extreme degree because the security or political dynamics in question frequently limit direct observation by the patron (at least not without costly deployment of further troops), as well as the prospect of other observers feeding the information to the patron (the sort of NGO or media “fire alarms” envisioned in some Principal-Agent literature (McCubbins and Schwartz 1984)). The complexity and frequent fluctuations in conflict dynamics might also make it more time-consuming and costly for the patron to obtain up-to-date and accurate information, such as would be necessary for effective monitoring. In addition, the US would often be delegating to these local forces because they are local conflict specialists, and as such, the agent would have a better grasp of the fast-changing and fluctuating dynamics than would be possible for any outside actor, reinforcing information asymmetries (Salehyan 2010b: 503–4).

In addition to the challenges of the environment, US dependence on these crucial security partners, and the nature of both the LHSFs and of the US as a principal would also tend to weaken the prospects for control mechanisms to work. The situations in which the US resorts to partnering with LHSFs tend to be those where other alternatives have been exhausted, and also where the delegation itself enables a high policy priority – for example, the ability to pursue terrorist or insurgent threats without putting US forces at greater risk (Hughes and Tripodi 2009: 25; Votel 2019). Principal-Agent theory suggests that in such situations, the US would have a fair amount of tolerance for slack. Further, the US is a classic “complex principal,” with different parts of the bureaucracy and Congress often collectively taking part in managing security assistance, making the

⁴ What has become known as the Leahy law was first passed in 1998, but the statutory provisions have evolved over the years (Serafino et al. 2014). With regard to State Department funds, the Leahy law provision was included annually in foreign operations appropriations acts from 1998 until 2008, when it was made a permanent or standing provision under section 620M of the Foreign Assistance Act of 1961, 22 U.S.C. 2378d. Congress applied a similar Leahy law condition on Defense appropriations from FY1999 on (passed in 1998), but with slightly different conditions and interpretations from the State Department version (Serafino et al. 2014). Since 2017, the DoD Leahy law has been considered a permanent standing provision under Section 362 of Title 10 of the U.S. Code (U.S. Department of State 2021).

coordination of control mechanisms more costly. The US would also not be the only potential patron in these environments, given the range of external and domestic stakeholders in Iraq, Afghanistan, and Syria (Hughes 2014; Gaston and Ollivant 2020; J. Shapiro and Estrin 2014; Stark 2020; Cragin 2015). These factors would make it more difficult for the US to exert control mechanisms consistently, and would create opportunities for LHSFs to ignore or evade them.

Last, some of the literature also suggests that even with effectively supported control mechanisms, they might not work well with the groups in question. Neil Mitchell, Sabine Carey & Christopher Butler (2014: 817) argue that there will be more adverse behavior by militias because they lack institutional screening, training and inculcation of professional values (what might be described as institutionalized control mechanisms)(also Arrow 1985; Morrow 2007; Alvarez 2006). A core focus of the thesis is how the US as a principal might try to address this issue by inserting control mechanisms for these more thinly institutionalized forces. However, Mitchell et al. suggests that even if these are introduced they will be less effective with irregular forces than similar mechanisms would with state forces because militias or other irregular actors are “less likely to have internalized systems of ethics, less likely to value their positions, and are less likely to have Arrow’s ‘reputational enforcements’” (citing Arrow 1985).

Expectation 4: Where monitoring and enforcement would prove costly, where delegation is a high priority, and/or where there are limited delegation options (the agent is indispensable), principals are likely to have a high tolerance for slack and exert minimal effort at control mechanisms.

If the third proposition is found to hold up, it then raises a puzzle with regard to the last one. The forgoing discussion would suggest that in conflict environments and especially with regard to these LHSF delegations, there would be a high likelihood of adverse selection, information asymmetry, agent slack, and ineffective control mechanisms. In addition, in these complex and fluid conflict environments, with limited access due to security issues and other conflict sensitivities, one would expect any attempt at control mechanisms to be highly costly. Exerting high costs to try to rein in LHSF agents would likely be even less desirable given the high priority given to these delegations, and the likely limited results of those controls. Principal-Agent theory expects that where such mechanisms are likely to be both costly and ineffective, that principals will not pursue them, or will only do so minimally.

However, the preliminary evidence suggests that this is not what happened with regard to US delegations to LHSFs. As chapters III to VI will show, this expectation from Principal-Agent theory is not adequately borne out in practice. Despite the fact that most

of these control mechanisms delivered minimal benefits, and were known to be costly, they were introduced and sustained, even where not formally required (Wright 2015; DeYoung 2015; J. Stein 2014; McNerney et al. 2017; Byman 2016; Policy and Operations Evaluation Department 2018). Moreover, despite their record of ineffectiveness and high costs, the overall trajectory has been to not only sustain these control mechanisms within individual LHSF support programs, but to increasingly apply them as new LHSF relationships emerged.

This thesis will attempt to resolve this puzzle by supplementing these Principal-Agent expectations with those of another theoretical framework, that of Foreign Policy Analysis or Bureaucratic Policy Analysis. Even those considering these security delegations according to a Principal-Agent lens frequently note the intervention of internal or transnational political bargaining and dynamics on the decision to delegate or control (Berman and Lake 2019; Biddle, Macdonald, and Baker 2018; Waldman 2018). Given this, and also the larger focus of this thesis on how controls relate to political decision-making over this partnership, the political bargaining and bureaucratic management frames within Bureaucratic Policy Analysis might provide an alternate answer for why control mechanisms emerged in so many cases.

Bureaucratic Policy Analysis

Foreign Policy Analysis emerged in response to calls in the 1950s and 1960s to look beyond the state level of analysis, and to understand foreign policy decision-making not only in terms of external but also internal or domestic factors (Snyder, Bruck, and Sapin 1954; J. N. Rosenau 1966; Sprout and Sprout 1957; Hudson 2005: 5–7). Jean Garrison (2003b: 155) describes FPA as an attempt to “open the black box of domestic politics and policymaking in an effort to understand actors' choices in global politics.” Rather than viewing foreign policy outcomes or actions as the product of organized, rational responses to systemic factors or other stimuli, early FPA theorists argued that foreign policy decision-making had much more to do with the messy, subjective, and highly irrational range of factors that lay within the heads of decision-makers, the “psycho-social milieu” in which they operate (Sprout 1965), and the larger sausage factories and bureaucratic environments that produce foreign policy for a state.

A full review of FPA theories is beyond the scope of this chapter, and has been well covered elsewhere, but it is worth noting a few of the approaches to illustrate the diversity within FPA (Hudson 2005; Alden and Aran 2012; Garrison 2003a). A large focus of analysis has been on the psychological factors affecting foreign policy decision-makers, including group or leader predispositions, profiles, and typologies, as well as the way that foreign policy leaders take in and interpret information, which is inevitably impaired by

cognitive limitations, and framed or shaped by cognitive lenses, biases, and misperceptions (Sprout and Sprout 1957; Holsti 1970; R. Axelrod 1976; Jervis, Lebow, and Stein 1985; Brecher 1972; Jervis 1976; Hermann and Milburn 1977). Scholars have also theorized how group dynamics (including “groupthink”), role conceptions or social practices can take over, resulting in foreign policy outcomes that appear against the individual or national interests of the actors involved (Janis 1972, Holsti 1970, George 1980). For scholars like Barnett (1999), Risse et al. (1999) and Katzenstein (1996) it is not just a question of individual or group ideas and beliefs, but a question of how national identity, culture, and social practices within a society or specifically within the foreign policy-making apparatus shape the overall foreign policy approach and positions of states (see also Brecher 1972, Holsti 1970).

Graham Allison’s seminal 1971 “The Essence of Decision-Making” sparked a new subfield within FPA, which tends to be referred to as the bureaucratic politics approach (BPA) and will be the primary theoretical focus of this thesis (also Allison 1969; Alden and Aran 2012; Stern and Verbeek 1998). Allison (1969: 690) challenged the rational policy approach, arguing that “attempts to understand happenings as the more or less purposive acts of unified national governments” leave out a crucial part of what is driving foreign policy, namely what is happening among the political players and institutions that make up the foreign policy bureaucracy. Allison offers two other “models” or accounts which instead view foreign policy decisions or outputs as the products of competitive, discursive, or organizational tendencies within the policy-making apparatus (Allison 1971: 67–100, 144–184; Halperin, Kanter, and Clapp 1974; Allison and Halperin 1972). Writing with Morton Halperin (his frequent co-author on BPA), Allison (1972: 42) argued that:

the ‘maker’ of government policy is not one calculating decision-maker, but rather a conglomerate of large organizations and political actors who differ substantially about what their government should do on any particular issue and who compete in attempting to affect both governmental decisions and the actions of their government.

Allison coined the idea of the “stand-sit” position – the proposition that “where you stand depends on where you sit” (Allison 1971, 176). Essentially, the position taken by any given stakeholder or player substantially reflects the organizational position or interests of the part of the bureaucracy they represent, as well as potentially their personal background, experiences, or commitments (Allison and Halperin 1972: 48–50; Halperin 1971: 74; Allison 1969: 711; Allison 1971: 166–176). The ultimate policy outcome is the result of ‘bargaining’ between these different stakeholders, and should be considered a compromise of these competing views and stand-sit positions, rather than any given player’s preference (Allison and Halperin 1972; Allison 1969: 707–11).

Most of Allison and Halperin's writing, and that of subsequent BPA studies, has focused on high-level debates surrounding the executive, frequently in crisis moments (the sort of deliberations invoked in the Cuba Missile Crisis debates). However, Allison and Halperin (1972: 51–54), among others, also recognize that other parts of the bureaucracy are engaged in lower-level decision-making and bargaining. This might take place about decisions that do not rise to the level of the President, or other senior policymakers, or it might take place after a key policy decision is made, in the course of implementing a decision. There is frequently a lot of leeway in how to implement a top-level decision, and implementation choices might be determined by the same sort of stand-sit positioning and bargaining as the high-level decision-making (Allison and Halperin 1972: 51–54). A separate body of "implementation" literature argues that bargaining and decision-making in the course of implementation can be even more significant in determining foreign policy outputs than what happens at key decision moments (Steve Smith and Clarke 1985; Brighi and Hill 2008). As Schroeder and Friesendorf (2009: 141) argue, "Implementation is not a technical process of simply translating political decisions into practices. Instead, implementation is a game of political bargaining that crucially depends on the interests of the implementing actors."

Allison and Halperin (1972) also offered a slightly distinct but complementary approach: the organizational process model. Organizational process theory considers how foreign policy outputs are shaped by the routines, processes and ordering tendencies of the organizations and subparts of the bureaucracy involved. In this view, the standard operating procedures, protocols and lenses that are coded within a bureaucracy can shape the way information is received, what policy alternatives or options are developed, and how decisions are implemented (Allison 1969: 699–707; Allison and Halperin 1972: 55–56; Alden and Aran 2012: 32–33). Like the metaphor of a hammer seeing a nail in everything, organizations tend to see foreign policy problems through their own mission set, policy approach and toolkit. In addition, BPA argues that organizations have their own interests – they compete for roles, missions, and resources that advance those interests or their own survival (Allison and Halperin 1972: 48–49; Halperin 1971: 88). As Christopher Hill (2002: 88) summarizes this line of argument, large bureaucracies or organizations have a tendency to "socialize its staff into a particular set of values... over and above apparently superordinate value-systems such as 'national interest.'"

Although BPA has been used to analyze many crisis and security decisions, it has been a less well trodden path than Principal-Agent theory in terms of analyzing security assistance partnerships. Thus, there is not a readily available body of literature applying these concepts to the sort of situations explored in this thesis. However, from the above principles of BPA we might extrapolate several expectations for the subsequent cases.

First, we would expect the proposal or idea of supporting a given LHSF would generate bureaucratic debate and bargaining in many (if not all) scenarios. In the classic BPA examples of bargaining, a crisis moment like the emergence of the Cuban Missile crisis (Allison 1971; 1969) or a policy decision point like whether to withdraw American troops from Europe during the Cold War (Halperin 1971) would trigger a “decision” or “action” game within the bureaucracy. Different policy principals or agency or department figures would bargain and maneuver to try to persuade the President to take their preferred course of action, or to prevail in winning the policy proposal or budgetary allocation they deemed best. They might do so by leveraging their own authority on an issue, their relationship with the president, or use other tactics of persuasion to build a coalition of co-supporters or to marginalize or limit opposing viewpoints (Allison 1969: 711; Halperin, Kanter, and Clapp 1974: 122; Allison and Halperin 1972: 78).

The question of US support for a given LHSF might trigger a similar action game or bargaining moment. In a climate in which the national security strategy is increasingly operationalized “by, with, and through” local partners, the decision to mobilize LHSF units might be viewed as the 21st century equivalent of whether to deploy or counter ICBMs in Cuba (Department of Defense 2018; Votel and Keravuori 2018). LHSFs may also win adherents or spark internal debates because they represent unique bureaucratic opportunities: such proposals often come with substantial funding and manpower, or may offer particular US agencies or institutions greater influence or prominence in critical foreign policy situations. Some subsets of the US government – for example, so-called “White SOF,” who specialize in supporting indigenous forces – may see such initiatives as part of their mission set and toolkit, and thus more readily support them (Naylor 2015; Cleveland and Egel 2020). Meanwhile, given all the risks associated with LHSFs, other bureaus or departments may see such initiatives as threatening their core mission sets, values, or interests, negatively triggering their respective “stand-sit” positions. For all these reasons, the question of whether to mobilize local forces or expand an existing LHSF initiative is very likely to trigger an internal bargaining scenario, with the fate of that initiative, and the funding, mandate, and rules surrounding the forces in question strongly shaped by the parameters and outcome of that bargaining debate.

Within such a bargaining process, BPA expects that different actors or parts of the bureaucracy will try to persuade or coerce others to their view. One might expect risk mitigation and responding control mechanisms to play a prominent role in such persuasion and bargaining tactics. LHSFs present a range of countervailing policy considerations, and a host of legal, reputational, or consequential security risks. As a result, policy debates surrounding such forces tend to not only consider whether the benefits outweigh the costs, but whether those costs can be mitigated or contained to

some degree. The sort of control mechanisms that were introduced in the discussion of Principal-Agent theory – selection mechanisms that might vet for more like-minded, better behaving, or otherwise less risky forces, restrictions on the supported LHSFs to ensure that they did not transgress policy redlines, and monitoring and sanctions to enforce those redlines – might be central in such a debate. For proponents, adjusting a LHSF proposal by including control mechanisms might be a way to persuade senior policymakers that the risks were manageable, or of blunting the critiques of those opposing the initiative. Opponents or skeptics might insist on such measures as a way to address the risks that concerned them most. According to BPA expectations, the ultimate program design or parameters adopted for LHSFs, including the control mechanisms, might not resemble any one party's preferred model, but would represent a compromise between different stakeholders in the bargaining process.

A last important application of BPA theory and expectation for control mechanisms is that there may be entrenchment effects once these are adopted, and particularly once they are regularized to any degree. Much of the writing on organizational attributes of bureaucracies is that they adopt internal rules, norms and operating procedures or scripts, which then determine how they approach policy decisions, and the options available for responding to a given dilemma or policy choice. The presumption of organizational theory is that these organizational processes and rules structure policy outcomes in ways that are difficult for any single policymaker to change or diverge from (Hill 2002: 89–90). Allison described a sort of bureaucratic or organizational inertia that could allow for incremental change, but also would limit dramatic splits from existing organizational scripts of processes: “Organizational procedures and repertoires change incrementally. [...] A program once undertaken is not dropped at the point where objective costs outweigh benefits. Organizational momentum carries it easily beyond the loss point” (Allison 1971: 91).

This inertial quality of organizational rules and processes allows us to explore a counter-hypothesis for why control mechanisms might be proposed or endure even when their costs would seem to outweigh their benefits, challenging the Principal-Agent explanations. Control mechanisms typically take the form of contract rules, monitoring mechanisms, or fixed penalties, mechanisms that feature as standard procedures and elements within bureaucratic management. Particular programs or repertoires of these policy management tools will become part of the standard operating procedures or rules for a given area of programming or type of US government activity. As a result, one might hypothesize that once certain controls or risk mitigation strategies become relatively routine, and become absorbed into organizational standard operating procedures or practices, that they then would continue to be performed out of habit, regardless of the

costs or benefits, or particular bargaining interests invoked by a given situation. The conservative tendencies of bureaucracies would protect or sustain these rules and approaches even where other players' interests did not demand them, and even where imposing them might be costly.

A Wider Range of Players in LHSF Bargaining

All of the above conjectures suggest that BPA theory might offer useful insights into how risk mitigation mechanisms emerge and how they connect to political decision-making dynamics surrounding LHSFs. However, one challenge of applying the BPA framework to the case studies in question is that BPA has tended to focus on bargaining and organizational effects within the state policymaking apparatus alone, to the exclusion of external stakeholders (Hill 2002: 2; Foyle 2003). By contrast, a *prima facie* examination of the case studies suggests a much wider range of actors have been involved in bargaining around LHSF authorization and program design, including foreign government leaders and bureaucrats, Congress, civil society or non-government organizations, and potentially even the LHSFs themselves. While this does not rule out applying BPA principles and theories to these cases, it does require a degree of theorization and extrapolation of how external players might take part in US bureaucratic bargaining.

As a starting point, it is helpful to revisit how actors outside of the US government have typically been represented in BPA. In their early writing, Allison and Halperin discuss Congress and other actors such as the media and interest groups, but only as “ad hoc players” in the “wider government game” with little seeming actual role or influence charted in the examples and case studies given (Allison 1969: 709; Allison and Halperin 1972: 47). If Congress and prominent US interest groups were downplayed in Allison and Halperin’s bargaining framework, foreign leaders received even shorter shrift. The influence of foreign leaders and other external actors were treated primarily as a stimuli, indirectly sparking the foreign policy issue that must be dealt with or shaping the crisis parameters. As Allison and Halperin (1972: 59) wrote: “Since actions by other nations can affect the stands players take, and thereby affect decisions and actions, we must consider how actions of other nations enter into the process of decision bargaining and how they affect actions.” They gave the example of how Soviet deployment of an Anti-Ballistic Missile (ABM) triggered the question of whether the US should do the same to avoid an “ABM gap” (Allison and Halperin 1972: 60).

Much of the BPA analysis since Allison and Halperin’s early writing has followed in their footsteps, focusing on the key principals and bureaucratic institutions within the executive, and in particular the US Executive Branch. This has led to a number of critiques that BPA is too state-centric, and has not given enough attention to the legislative branch

or other external stakeholders (Garrison 2003a: 181; Stern and Verbeek 1998: 206; Baumann and Stengel 2013; Art 1973; S. D. Krasner 1972). Some authors have sought to fill this gap through a deeper examination of the role of the legislature vis-à-vis the executive branch in policy decision-making (Rosati 1981), or by mapping the interactions between Congress, the Executive, and interest groups (Bendor and Moe 1985; Bendor and Hammond 1992; Hilsman 1987). Others have applied BPA's precepts to organizations or bureaucracies that operate transnationally, like the European Union (Carlsnaes, Sjursen, and White 2004; Larsen 2009; White 2001; Manners and Whitman 2000) or international organizations that administer foreign policy on behalf of multiple states (Barnett and Finnemore 1999; 2004). Rainer Baumann and Frank Stengel (2013) argue that FPA, with its emphasis on going beyond the unitary state, would be well suited to exploring how a range of non-state actors – from international organizations to private security companies to transnational NGOs – are increasingly acting as “policy generators,” directly involved in decision-making and policy implementation. The subfield of foreign policy implementation, which considers the implementation of a decision as equally crucial to the content of foreign policy as the initial decision-making (Brighi and Hill 2008; Steve Smith and Clarke 1985), has also tended to include a wider range of actors. Discussions of how a policy is shaped in the course of implementation have tended to include not only the executive branch bureaucrats in question, but also representatives of foreign states, international organizations, and even non-state actors (see, e.g., Clarke and Smith 1989; Schroeder and Friesendorf 2009). For example, Ursula Schroeder and Cornelius Friesendorf (2009) explored how bargaining and negotiations between representatives of international missions, aid agencies, Bosnian political institutions, and the field offices of international organizations influenced the implementation of international law enforcement policies in post-war Bosnia.

Such literature offers a starting point for applying BPA in bargaining scenarios that significantly involve actors outside of the US government. Three categories of players will be particularly important for the LHSF scenarios in question: Congress, transnational or non-governmental actors and organizations, and foreign leaders. To lay the baseline for subsequent analysis, it is important to identify some pathways or levers that might allow them to take part in bargaining, or allow them to otherwise indirectly influence the US bargaining debate or bureaucratic processes involved.

Congress

Congress has not been completely absent from past treatments of BPA. It tends to be treated either as one of the less directly involved, “concentric” circles of influence surrounding the President, alongside other lobbyists, and the media (Allison 1969; Allison and Halperin 1972; Hilsman 1987); or, in a slight critique of that vision, as a competitor

for influence alongside other executive branch actors or interest groups (Bendor and Moe 1985; Bendor and Hammond 1992). In a later book, Halperin (1974: 313–44) himself devoted a chapter to the role of Congress, noting that Congress can influence foreign policy outputs by shaping shared images of national interest or by changing the “rules of the game” and mandating specific roles, functions, or bureaucratic structures within the executive branch. Congress’ ability to demand certain measures or conditions – including control mechanisms like vetting or monitoring structures – would seem to put it directly at the bargaining table, at least for LHSFs that originated from or relied substantially on Congressional funding. Here it may be helpful to draw on some inferences in the Principal-Agent literature, which tends to treat Congress as part of the US as a “complex principal,” or alternately is viewed as the principal itself, directing tasks to the executive branch as its agent (McCubbins and Schwartz 1984; Feaver 2003; McCubbins, Noll, and Weingast 1989). Viewing Congress as a potential owner or driver of control mechanisms helps explain how it would come into a more direct player role in bargaining over the LHSF programs in question.

Congress also has an important informal shaping role through its continuing oversight mandate. The ability to call public hearings, demand Executive Branch reporting, threaten to reduce or hold funding, or put pressure on executive branch staff in regular oversight meetings would give Congress a continuing, participatory influence in the deliberations that surround the implementation of programming, including control mechanisms. Such informal oversight powers and more indirect shaping activities are often taken in conjunction with other external players. Congress is an important conduit for influence for other stakeholders, including foreign leaders or diplomats, transnational networks, or advocacy groups (Bendor and Moe 1985; Keohane 1971). One might conceptualize this as an almost symbiotic relationship between Congress and interest groups, the press or other external actors. Under-resourced Congressional staff and representatives rely on these groups to provide information and enable a more active Congressional monitoring function, while these groups depend on that Congressional voice and funding strings to exert a more powerful influence on the Executive Branch (Hilsman 1987; Bendor and Moe 1985; McCubbins and Schwartz 1984; Kiewiet and McCubbins 1991). These might be purely domestic groups, or transnational interest groups and organizations. A wide range of literature has analogized transnational NGOs to domestic interests groups, and illustrated how transnational groups like human rights NGOs might work with Congress to influence US foreign policy (Brysk 1993; D. C. Thomas 2001; Martin and Sikkink 1993; Tate 2011; Forsythe 2016). As Chapter VI will discuss in greater detail, Congressional partnerships with human rights NGOs over a number of decades were a driving force for the most significant set of human rights-related control mechanisms relevant for all case studies, the Leahy law.

Transnational Networks, Organizations, and Non-governmental Actors

The above discussion of Congressional pathways for influence has already introduced transnational or international interest groups – to include transnational networks, international organizations, transnational NGOs, or other civil society actors – as working with or through Congress to influence Executive Branch decisions. However, these transnational networks, epistemic communities, and NGOs could also exert influence over bargaining dynamics and outcomes in their own right (Haas 1992; Risse 2002; Khagram, Riker, and Sikkink 2002). Bendor and Moe (1971) offered a three-way model that conceptualized outside interest groups as equally important players to Congress and the Executive Branch, with constant interaction, indirect influencing strategies, and iterative decision-making among all three.

Another conduit for these external actors to influence internal bargaining dynamics and bureaucratic decision-making is offered through the literature on transnational networks, NGO advocacy, and normative change. Transnational networks, NGOs, and social movements might shape the decisions of those in power by providing information or knowledge that would frame the debate or agenda, suggest credible policy solutions, or show the gap between policy commitments and practice (Mertus 2008: 12–15; Keck and Sikkink 2014: 16–25; Khagram, Riker, and Sikkink 2002; Florini 1999: 584). NGO networks and other transnational activists might also gradually shift the identity or position of those in power through public or private persuasion campaigns, by linking their preferred issues to those of importance to key stakeholders, or by increasing the reputational or political costs of a certain course of action (Finnemore and Sikkink 1998; Keck and Sikkink 2014: 16–25). Networks of transnational activists or NGOs might be able to leverage political “opportunity structures” (either domestically or in the international space) or take advantage of moments of “policy assemblage” and advance a particular legislative proposal or position (Khagram, Riker, and Sikkink 2002; Risse 2002; Tate 2011). Such activities would be especially likely to manifest in discussions of LHSF risk mitigation. A strong theme of the literature examining LHSFs relates to the risk of human rights abuses (Carey, Colaresi, and Mitchell 2015; Mitchell, Carey, and Butler 2014; Alvarez 2006). A proposal to create or expand Western support to LHSFs is thus the sort of issue that might attract engagement from transnational NGOs and activists.

Foreign Leaders or Bureaucracies

The idea that external actors might be able to participate in or indirectly shape US government bargaining gives rise to a last important category of players, the leaders and bureaucracies of foreign states. The literature suggests two potential ways to view the influence of foreign states: some foreign officials might shape US officials’ options and

decision-making indirectly, through strategies similar to those for other transnational actors; or in certain situations foreign actors may be directly at the bargaining table depending on the power dynamics and decision-making environment in question.

In some cases, foreign officials might exert influence through more indirect strategies, similar to those of transnational actors or NGOs highlighted above. They might engage in coordinated campaigns of persuasion (often in conjunction with Congress, or other external players), or leverage their informal influence and input opportunities on US decision-making processes. Robert Keohane (1971) argued that foreign allies will leverage contacts and relationships within American society – from regional bureaus in the US State Department or defense establishment, to key US domestic constituencies (as with the strong pro-Israel lobby in the US) to shape US foreign policy decision-making.

In some scenarios, foreign states may have an additional leverage point that other transnational or non-governmental actors lack, via institutionalized co-decision-making norms or structures. Risse-Kappen (1995) argued that the “collective identity” of NATO member states and “norms committing allies to timely consultation” gave less powerful states in the alliance a conduit to shape the decisions of their most powerful ally, the US. Risse-Kappen also noted that foreign leaders or bureaucrats might become part of transnational and transgovernmental coalitions and work to advance particular agendas or policy positions in much the same way that other transnational actors or NGOs would (Risse-Kappen 1995a: 9–10). Other studies of military coalitions have found similar institutional leverage points. Junior partners in an international military coalition might constrain the decision-making of more powerful states through their participation in institutionalized joint decision-making mechanisms, and concessions larger partners make to keep the participation of other coalition members (O. Schmitt 2019; Byman and Waxman 2002). Such dynamics might be particularly important in environments like Afghanistan, Iraq, and Syria, where the US was frequently making security decisions in the framework of multi-lateral coalitions, or depended on other partners’ contributions and coordination to achieve security goals and implement assistance.

The literature on foreign policy implementation referenced above suggests another avenue for indirect influence, where foreign states are engaged alongside the US in the implementation of policies surrounding LHSFs. The implementation literature suggests that the high-level decision (for example, to engage with a given LHSF) is not as important as the scores of minor choices of how to implement that decision, with the different foreign states, international organizations, or other implementing actors able to assert their views and positions into this more chaotic and diversified implementation phase (Schroeder and Friesendorf 2009). Many of the LHSF initiatives were part of larger security or governance projects, and took place in the context of multilateral operations

or stabilization missions. They were deployed alongside other foreign states' assistance to the same armed groups, and sometimes were administered by multilateral or coalition headquarters, which included both US representatives and those of other allied states. These dynamics would presumably offer multiple avenues for foreign states to shape the way that LHSF programs, and their controls, were implemented in practice.

In addition to such indirect or informal influencing strategies, there may be some situations where foreign leaders find themselves directly at the bargaining table with US decision-makers, in a more co-decisional or collaborative position over the foreign policy issue in question. As briefly noted above, FPA-related analysis has been applied to some situations of transnational foreign policy decision-making (i.e., where more than one government collaborates in decision-making or jointly generates mutual or joint foreign policy outputs). As one might expect, transnational decision-making tends to arise in situations where one or more countries have ceded or pooled aspects of sovereignty, for example, as with the pooling of sovereignty (at least over certain fields or issues) within EU institutions, or with the delegation of policy decision-making and execution to international organizations (Carlsnaes, Sjursen, and White 2004; Larsen 2009; White 2001; Barnett and Finnemore 2004).

While different from these EU or international organization delegations of authority, many international intervention contexts also create situations of compromised, pooled or shared sovereignty. There is a large body of literature on how international interventions have invoked situations of compromised or shared sovereignty – whether due to coercive military intervention and occupation, or to so-called “consensual” intervention in sovereign decision-making, for example, as part of international funding and conditionality (Zaum 2007; Walker 1991; S. L. Woodward 2017; Risse 2013; S. D. Krasner 2004; S. Krasner 2001; Risse, Draude, and Börzel 2018; S. L. Woodward 2001; D. Williams 2000; Jackson 1991). In these situations, although the government in question retains formal legal or juridical sovereignty, its ability to decide matters within its own territory is not fully independent or autonomous. External states or international organizations might demand a particular policy outcome, for example, the appointment of key domestic officials, the creation or adjustment of domestic institutions (i.e. a central bank), or the response to internal security threats (S. Krasner 2001: 11, 14; S. D. Krasner 2004: 98–99; Zaum 2007: 39; D. Williams 2000; Jackson 1991: chap. 5). In addition, in some intervention scenarios, representatives of the international community may directly take over aspects of domestic governance and act alongside or in lieu of domestic policymakers and bureaucrats in executing key sovereign functions (Zaum 2007: 39; S. L. Woodward 2017; 2001).

Such compromised or shared sovereignty dynamics would appear particularly relevant for the Iraq and Afghanistan chapters, given the intervention dynamics there. After the US invasions in Afghanistan and then in Iraq, juridically sovereign governments were established, but the Afghan and Iraqi governments continued to depend on the US and other external states to secure territory, maintain a balance of power over domestic rivals, and for core funding (Suhrke 2011; Bizhan 2018; Maley 2013; Dodge 2017; Mansfield 2016: chap. 2). Many definitions of Westphalian or Weberian sovereignty start with the presumption of the state possessing territorial control, a monopoly on the means of violence, and an administrative infrastructure that would help it enforce rules, levy taxes, or provide services (Dodge 2006: 190–91; 2014: 10–11; Mann 1984; Migdal 1988; Tilly 2010; Fukuyama 2013; S. Krasner 2001). External states had substantial control or influence over many of these sovereign functions in Iraq and Afghanistan during the periods in question. High international troop numbers gave the US and other coalition partners substantial control over coercive force and the means of violence in the country. Because of the Afghan and Iraqi regimes' high dependence on foreign troops and funding – responsible for as much as 90 percent of the budget in Afghanistan's case (Suhrke 2013: 274–75; Bizhan 2018) – the US and other international partners could and frequently did intervene on substantial domestic prerogatives. The US or other international donors would intervene in which officials would be appointed, which laws or agencies would be promulgated, how the budget would be implemented, and in Iraq's case, how post-election government formation would be determined (Suhrke 2013: 277–78; Herring and Rangwala 2006: 86; Dodge 2017: 207; Beehner 2006; Savage 2013; Looney 2006).

It was not just that foreign actors could substantially influence or direct key sovereign decision-making and prerogatives, but that the scale of in-country personnel, resources, and activities brought these foreign actors into a regular co-participation in the activities of governance, alongside Iraqi and Afghan bureaucrats and institutions (Monsuttie 2012). The US and other foreign actors, and their agents (be that contractors, international organizations, or NGOs), administered significant development funds, engaged in governance activities, and directly provided services typically associated with a sovereign state in both Afghanistan and Iraq. Suhrke (2006: 1) describes the emergence of “parallel structures of administration on virtually all levels of government” in Afghanistan, ranging from civilian and military personnel based in Provincial Reconstruction Teams, to the assistance implemented by donor-funded NGOs, contractors and international organizations on everything from justice and governance support, to key infrastructure, health, and educational services (Suhrke 2011: 130–32; Bizhan 2018: 1019–20; Ghani, Lockhart, and Carnahan 2005). Similar trends ensued in Iraq, with a large share of US and other international assistance administered either by

US forces and personnel or by a network of contractors, international organizations and NGOs (SIGIR 2013; Tarnoff 2009: 18).

However, although foreign personnel were often directly involved in administering parts of the Afghan and Iraqi state, they were not doing so alone. Across all of these sectors there tended to be a high degree of joint decision-making and collaborative implementation, across a range of sovereign functions and fields. For example, in the security sector, while there were many operations carried out independently by either international or Afghan or Iraqi forces, many operations were planned and executed jointly between international and domestic forces. In both Iraq and Afghanistan, international advisors were embedded in key ministries, from security ministries to the central bank (Suhrke 2011; SIGIR 2009; Witty 2016; Dodge 2017). The sort of functions that these international advisors exercised daily – from drawing up long-term strategic plans and proposed policy initiatives or laws, to advising on responses to key crises or decision-points – were central to the execution of the state’s institutional mandate. However, they were a collaborative affair, exercised jointly with the other Afghan or Iraqi officials in those ministries. The same was true at a local level, with Afghan or Iraqi representatives often collaborating with those delegated to handle donor funds – representatives of foreign donors, or NGOs, or civil society contracted by them – in joint decision-making about local governance, rule of law, or development initiatives. In essence, even if full juridical or legal recognition was there, the *de facto* influence of international intervenors – either through conditionality and/or through directly administering parts of the state – created a situation in which the state’s domestic or Westphalian sovereignty was shared and jointly administered.

This shared sovereignty was undergirded by both sides’ mutual dependence. As much as the Afghan and Iraqi governments depended on international actors, international actors depended on the host governments to accomplish their objectives in these countries. Despite capacity issues and political dysfunctionalities, the Afghan and Iraqi governments and their associated forces brought manpower, a degree of local know-how, and arguably a greater degree of symbolic power or legitimacy than those perceived as foreign or occupying powers (Dodge 2014: 10–11; Loyal 2017). The sheer number of forces required, and the expense of deploying international forces alone to meet those needs, meant that Afghan and Iraqi forces still had an important contribution to make. The same was true for the Afghan and Iraqi ministerial bureaucracies. Afghan and Iraqi officials and forces’ also offered advantages in terms of familiarity with the language, social practices, and territory. Moreover, both the logic of liberal peace interventions and of counterinsurgency strategy – the two critical frames influencing international engagement in Afghanistan and Iraq at the time – depended on the host governments

reforming themselves. As Suhrke (2011: 139) writes, “The fact of mutual dependence buttressed [Afghan elites’] autonomy. Afghanistan’s political and strategic significance to NATO created bargaining power. With so much invested in the country, the US-led coalition could not credibly threaten to withdraw support unless the government fully cooperated.” This kept Afghan and Iraqi prerogatives at play even in areas where donors supplied most of the funding or where their forces or representatives were directly involved in administering security or services.

In sum, across a range of sectors, from high-level decision-making to “street-level” bureaucratic implementation (Schroeder and Friesendorf 2009) there tended to be joint decision-making and collaboration between Afghan and Iraqi leaders or bureaucrats, and their foreign counterparts. This helps explain how in many situations, US and Afghan or US and Iraqi officials might find themselves in situations that were closer to the internal deliberations of a single government – administering services or engaged in state decision-making for the same territory – than the sort of oppositional bargaining usually used to describe the interactions of representatives of opposing states. In very many situations, US and Afghan or US and Iraqi policymakers were regularly at the same bargaining table, whether bargaining surrounding high-level decision-making (which might include a decision to authorize and expand LHSFs) or the lower-level, iterative bargaining that took place in the course of implementation. Within this joint policy-making arrangement, BPA theories or mechanisms might apply across US and Afghan or US and Iraqi stakeholders in the same way that they might traditionally have been used to understand foreign policy generation within a sole government or executive branch.

US dealings with the Iraqi and Afghan government offer the most obvious examples of how situations of shared sovereignty might lead to a sort of transnational BPA bargaining phenomenon. However, given that this collaborative policymaking is generated through the de facto practice of administering territory, one might well imagine other situations involving LHSFs where transnational or mixed administration might arise. A significant body of literature has explored the “limited” or “partial” nature of sovereignty in countries under transition or facing security turmoil. In such “ungoverned” spaces, as Anne Clunan and Harold Trinkunas (2010) have described them, non-state actors or armed groups, substate or regional forces with loose links to the sovereign state, or groups acting at the behest of neighboring states or international actors may hold sway, asserting a degree of territorial control and governance usually associated with sovereign states (also Felbab-Brown, Trinkunas, and Hamid 2017; Brown 2016; Clunan and Trinkunas 2010; Risse, Draude, and Börzel 2018). Such dynamics frequently arise in the very situations where the US seeks to mobilize LHSFs. The US seeks these partnerships precisely because the titular sovereign is weak or lacks full control in

these areas. In such “ungoverned” or contested spaces, another external state, or even a non-state actor may have such substantial territorial control that they become relevant co-deliberators with the US. The discussion of LHSFs in Syria might provide the most relevant examples of this, given that large parts of Syrian territory were administered or de facto controlled by forces not aligned with the Syrian state.

Concluding Expectations: More Diverse Set of Players, Multiple Pathways for Influence

While external players’ engagement is not a regular feature of classic BPA analysis, the forgoing discussion suggests that a range of actors outside the US government might play a role in decision-making around LHSFs. This likely would include Congress; transnational networks, actors or interest groups; foreign leaders or bureaucracies; or the LHSFs themselves. We would expect to see this external influence manifest in different ways. Some non-US government actors might exert influence on US decision-making more indirectly, either using information and persuasion tactics or other leverage strategies to prompt a debate, shape its parameters, or influence the options US officials consider in their decision-making. Alternately they might influence choices in the course of implementation. These sorts of indirect bargaining and influencing strategies might be common with a range of transnational or non-governmental actors, potentially working in cooperation with Congressional representatives, but could also be used by foreign allies or bureaucrats in some situations. In addition, foreign states or other de facto governance actors might take on a role that is closer to that of direct players within the bargaining, acting as co-participants alongside US decision-makers. The subsequent case studies will provide further examples of how this expanded menu of players and stakeholders took part in bargaining and decision-making surrounding LHSFs, and how this influenced control mechanisms.

Conclusion

This chapter has introduced two different theoretical frameworks for considering the subsequent case studies, and a series of expectations for each. Principal-Agent theory offers a starting point for understanding why states might delegate to LHSFs and also a typology of control mechanisms that we might expect to manifest as ways to constrain or mitigate some of the risks they pose. However, based on these Principal-Agent expectations, the environments in Iraq, Afghanistan, and Syria and the LHSF relationships in question appear least predisposed toward control mechanisms, raising a puzzle as to why they appeared to manifest. The subsequent case studies will thus equally consider the applicability of BPA expectations, and whether this puzzle might be resolved by considering bargaining and organizational dynamics within these situations.

Chapter III: A Tale of Two Defense Forces: Comparing the Sons of Iraq and the Afghan Local Police

Both 2005 in Iraq and 2009 in Afghanistan were viewed as crucial turning points by US military leaders and officials. Escalating insurgent threats and violence in both countries not only threatened communities and the larger stabilization efforts, but posed a direct risk to the 150,000 US forces deployed in Iraq, and some tens of thousands in Afghanistan.⁵ Outside of this larger security exigency, the nature of the insurgencies in each country, the terrain, and the domestic political dynamics differed enormously. Nonetheless, the strategies developed for both countries were similar: a surge in international forces, and initiatives to raise tribal and community forces against the insurgent threat. This parallel was not accidental. US military leaders and policymakers saw the Sons of Iraq or “Awakening” forces (the *sahwa* in Arabic) as so transformative in Iraq, that they would try to replicate that success in Afghanistan, into an initiative that would become known as the Afghan Local Police (ALP).

Yet though the inspiration may have been similar, the two programs were different in one important respect. The *sahwa* program featured very few of what the previous chapter introduced as “control mechanisms,” while the ALP program was studded with them. Why did these two programs, otherwise very close to each other in time, ambition, and intent, have such different pathways in terms of the number and type of controls that manifested? Were some of the factors crucial to Principal-Agent theory responsible? For example, was it more likely that controlling the local forces would bring benefits in Afghanistan than in Iraq, or that such controls were less costly or more feasible to enact in Afghanistan? Or were some of the differences in the surrounding political context or bargaining dynamics, factors more aligned with BPA, responsible?

The *Sahwa* or Sons of Iraq (mid-2006 – 2008)

In 2005, US troops in Iraq were simultaneously trying to protect troops from a virulent insurgency and to staunch an escalating sectarian civil war. Two key strategies emerged to try to address the violence —1) a “surge” in the numbers of international forces; and 2) the mass mobilization of tribal or community-based forces (Rosen 2008;

⁵ Over the course of 2005, the US troop numbers in Iraq ranged from 138,000–160,000. Other Coalition members contributed a total of 23,000 to 25,000 forces over the same period (O’Hanlon and Camp 2005: 19). In Afghanistan, in January 2009, there were over 34,000 US forces, across both the counter-terrorism mission (approximately 19,000 US forces under Operation Enduring Freedom,) and the NATO stabilization mission (approximately 15,000 US forces in ISAF). There were an additional 36,000 international forces from other ISAF countries (J. Campbell and Shapiro 2009: 9–10).

Biddle, Friedman, and Shapiro 2012; Robinson 2008). The latter, commonly known as the Sons of Iraq, or the *sahwa* (Awakening) forces,⁶ was not a top-down decision but evolved after a handful of tribes in Anbar province turned against Al Qaeda in Iraq (AQI) and began cooperating with US forces. Most date the beginning of the Anbar Awakening to mid-2006, when a tribal leader named Abu Sattar al-Rishawi approached the US commander in his area, Colonel Sean MacFarland, and proposed a partnership (Long 2008: 80–81; Marten 2012: 166–67).⁷ In September 2006, after MacFarland provided guarantees of protection, Sattar openly declared a tribal coalition against AQI (Biddle, Friedman, and Shapiro 2012: 26; Rosen 2010).

Although Sattar’s tribal coalition was not as broad-based as he first implied, his tribesmen (and criminal networks) knew enough about the local area and insurgent networks to provide valuable intelligence. As the US made gains in undermining the AQI network, violence levels decreased in Anbar. US forces in other communities across Iraq sought to replicate this rapid success, and with ample commander discretionary funds⁸ available to them, began supporting “Concerned Local Citizen” groups, “neighborhood watches” and other variously named community-based forces across Iraq (Marten 2012: 158–160). By January 2008, the program had spread to some two-thirds of Iraqi governorates, with 95,000 tribal or local forces on the US payroll (Biddle, Friedman, and Shapiro 2012: 8–10; Department of Defense 2009).

The *sahwa* was held up as the ultimate counterinsurgency success, but it lacked much of the emphasis on good conduct that later came to be rhetorically associated with “winning hearts and minds” in the US counterinsurgency strategy (Kaplan 2013; Rosen 2008). Many of those recruited were described as thugs and racketeers, who could be abusive or predatory (Biddle, Friedman, and Shapiro 2012; Marten 2012: 140–86; Interviews #49, 17). Some of the tribal militias that emerged early on in Anbar had the ring of “death squads,” according to a US advisor at the time, Carter Malkasian (2017: 132). Some US military commanders were concerned about the questionable background

⁶ The Sons of Iraq or Awakening forces went by a variety of different names. For consistency, this thesis will generically refer to them as the *sahwa*, which is the term that most Iraqis use.

⁷ Many authors noted prior tribal outreach and limited US-tribal partnerships in 2004 and 2005 but these did not take off in the same way that the post-2006 Anbar Awakening did (Biddle, Friedman, and Shapiro 2012; Benraad 2011; Long 2008). Following the general trend of analysis in the literature, this case study will also begin with the mid-2006 start date.

⁸ The *sahwa* were initially supported from Commander Emergence Response Program (CERP), a slush fund enabling commanders to support local stabilization initiatives (SIGIR 2008). The amount of funds spent is limited (typically less than \$10,000) and must be registered and accounted for, but these have typically only been lightly scrutinized, even more so in the first few years of the program’s inception (SIGIR 2008) (Interview #16). Malkasian (2017: 121–22) notes that early on in Anbar, salaries and support came partly through *solatia* payments to families of killed policeman and in the form of projects funded through CERP.

or motivations of some of the tribal leaders, and tried to limit the type or pace of US support early on.⁹ However, the evidence suggests that across most of the *sahwa* mobilization, there was no initial vetting or extensive selection criteria (Interviews #110, 108). It was a “walk-in affair,” remembered a former Congressional staffer who closely monitored the *sahwa* developments (Interview #16).

The loose controls and selection might be seen as largely in line with the initiative’s perceived strategic value. Although community forces were also used for local policing and sentinel duties (where good relations and community behavior might presumably be important), the *sahwa*’s primary value was in their ability to erode or pursue insurgent networks. The *sahwa* was used as a vehicle to bring former and potential insurgents on side, with intelligence gains from those flipped fighters then used to kill or capture the rest. As a result, the *sahwa* were “explicitly not about vetting,” one former US intelligence officer offered, “Baked into the idea was that they were terrible, that they were insurgents” (Interview #17). In addition, at the point when most of the *sahwa* emerged, the level of threat was so high that it obviated significant consideration of future risks or drawbacks. As one former US commander offered, “the exigency of the AQI threat and the pressure from the White House was so great [that] the near-term concern of getting this mess under control” was prioritized above any future consequences (Interview #95).

By the second year of the program, as security pressures receded, some minimal control mechanisms were introduced in the form of greater tracking of *sahwa* forces, and of any weapons and equipment provided to them. By the end of 2007, US forces were regularly collecting basic identification and biometric information, tracking the serial numbers of weapons provided, and overseeing more regularized pay processes (Dodge 2017: 97; Marten 2012: 150–51; A. J. Rubin and Cave 2007; Interviews #49, 108). All of this allowed a basic form of accountability, and the potential to mitigate or respond to significant security risks. For example, in theory, if *sahwa* forces went rogue, and returned to supporting the insurgency, they might more easily be tracked down with this information. However, there is no indication that this greater data collection and tracking was used to monitor or control the *sahwa* forces’ behavior in any significant way (Dodge 2017: 97; Rosen 2010: 283; Robinson 2008: 326–42). For example, US forces were not

⁹ Malkasian (2017: 132–133) notes that the Marine commander in charge of military operations in Anbar province, Major General Richard Zilmer, was worried about abuses by these forces, and issued a letter in late 2006 ordering US forces in Anbar to refrain from working with armed militias, and not to directly pay or arm them. Given that later accounts do note support going to a wider spread of tribal forces, and of directly arming and paying via CERP funds (Marten 2012: 160–61), this initial restraint may have only been limited to Anbar, or may have been superseded by the rapid pace of the program.

using the personal information collected to follow up on allegations of misconduct, track down their perpetrators, and penalize them by docking salary payments, suspending them, or seeking criminal punishment (Interviews #49, 108).

While even these late-stage controls were still quite *de minimis*, it is important to understand how and why they emerged. In part, this late-stage tracking and biometric registration was motivated by US forces' own interest in mitigating the risks of working with unknown forces, and greater time to do so once the situation began to stabilize (Interviews #17, 16). Interviewees and other literature suggest that the collection of such data began with the *sahwa* units formed from former detainees – those presumably presenting higher security risks – and only later expanded to other *sahwa* units (Interviews #17, 16; Marten 2012: 150–51). There was also a certain sensitivity to the potential public, and congressional, perception that the US was funding militias. Toby Dodge, an Iraq historian who at the time was an advisor to the US Commanding General, David Petraeus, noted that Petraeus and his advisors worried they would be perceived as mobilizing militias, and bankrolling criminals and insurgents (Interview #108). Once the violence had ebbed, there was greater bandwidth to try to forestall such concerns, by introducing some greater controls and tracking that might make the *sahwa* appear closer to regular forces. Principal-Agent theory would explain this as a higher US tolerance for slack in the early period due to the exigency of the threat, which made *sahwa* mobilization more important and any controls that might slow or limit its spread more costly. Once threat levels had diminished, the costs were more tolerable.

However, the more significant narrative that emerges from the interviews and documentation of the program is that these late-stage control mechanisms were substantially driven by US-Iraqi deliberations over the program. The degree of Iraqi government opposition to the program, at least once it moved out of Anbar, cannot be over-emphasized. Many Iraqi politicians viewed the *sahwa* forces as terrorists, thieves and criminals – a perception that was not entirely untrue given the recruiting base (Interviews #47, 49; Al-Sheikh and Sky 2011; Boghani 2014; Marten 2012: 144–45). There was also a political aspect to this opposition. Prime Minister Nouri al-Maliki saw US empowerment of Sunni political leaders and constituencies (the main demographic in the *sahwa*) as a threat to his Shi'a political powerbase. Maliki accused the US of trying to raise a "Sunni Army" against him (Al-Sheikh and Sky 2011). As soon as Maliki realized the scope of the program, "he moved heaven and earth to stop it, and to find ways to present opposition to it," Dodge remembered (Interview #110, also 108, 49, 95).

US military and political leadership were well aware that Maliki would oppose the program (Interviews #110, 49, 95, 108). Both due to potential perceptions that they were funding militias and worried about Maliki's outrage, US military officials downplayed the

level and nature of the *sahwa* support initially. As Dodge described it, “The Americans lowballed the process... [they] tried to hide it” (Interview #110). However, as the program expanded and became more public, such subterfuge was no longer possible. In addition, while Iraqi politicians were willing to tolerate some tribal mobilization in Anbar governorate, given the more tribal dynamics and limited federal influence there, once the *sahwa* initiative expanded to governorates with mixed populations (like Diyala) and even Baghdad itself, it represented a more potent political challenge (Al-Sheikh and Sky 2011: 129; Marten 2012: 16–179; Cambanis et al. 2019: 103; Interview #47).

It was at this point that the sort of tracking and *de minimis* controls entered the conversation. Dodge describes these efforts to demonstrate accountability as “instrumental” to trying to appease Maliki: “When that [hiding the program] became impossible to sustain – because they’re on the payroll and very present around the country – then they [US military] start taking their data, to show that they’re accountable” (Interview #110). The need to win Iraqi approval and buy-in became even more acute as the US began to plan for withdrawal. US forces and policymakers wanted the Iraqi government to adopt and sustain the *sahwa* as an institutionalized force, as an Iraqi National Guard (Interviews #49, 95; Ahram and Wehrey 2015; Marten 2012: 178). The need for Iraqi government approval and cooperation gave Maliki greater leverage, and he used it to bargain for Iraqi institutional control over the *sahwa*.

When the issue was first introduced, Maliki’s position was weak. The US held the preponderant military power in the country and could influence whether Maliki would stay on as Prime Minister following the planned (but subsequently delayed) 2008 elections (Berman and Lake 2019). Maliki’s first move was a classic bureaucratic stalling technique – creating a committee to consider the future of the *sahwa* (Interview #47). The committee would take a year to release their findings. What they ultimately argued for was the institution of more control mechanisms. The lead representative of the committee, Safa Rasul al-Sheikh, said the report detailed the risks of these forces, and proposed tighter institutional accountability – formal background checks and registration procedures, oversight through regular Iraqi security force, and the potential to exert discipline or eject members who engaged in criminal activity (Interview #47).

Such demands generated American pushback, but then ultimately some concessions. The initial American response to Iraqi demands was that the *sahwa* already had sufficient controls. Hoshyar Zebari, a former Minister of Foreign Affairs and of Finance, remembered constant deliberations on this front. According to him, the Americans would argue, “We have checked them. We have vetted them. They are good people, let’s say, with honorable tribes and backgrounds and so on” (Boghani 2014). A former US Army colonel in the office that managed much of the tracking data remembers

that whenever the issue came up, the US would redouble their efforts to track and collect information on the *sahwa* (Interview #49). By the time the program closed, he said they had “file cabinets full of information” on these forces (Interview #49; also 108). He also remembered other concessions – for example, a conference with the Iraqi government at some point in 2007 in which the US agreed to put the *sahwa* under the authority of the local chief of police in their area, although it is not clear whether this ever happened on a systematic basis (Interview #49).

There was never a conclusive result from this back-and-forth; ultimately, US protests reached a dead-end with security transition and withdrawal. Responsibility for the *sahwa* forces was handed over to the Iraqi government in October 2008 as part of a larger security transition process (Department of Defense 2009: v–vi). Once under full Iraqi authority, the *sahwa* were subject to formal background checks and screening, Iraqi government institutional oversight and regulations, and what was presented as a healthy enforcement of sanctions – the Iraqi government cut *sahwa* members deemed ineligible, and arrested and detained many for alleged misconduct or legal violations (Dodge 2017: 100; Wehrey and Ahram 2015: 7). The extensive data collected on these forces in the later stages of American control became a Trojan horse. As Dodge (2017, 101) notes, “The collection of biometric data from former insurgents in return for payment made [*sahwa* forces] simultaneously visible and vulnerable to whatever organisation had access to that information.” In essence, rather than being used to shift the behavior of potentially unruly or risky forces (or agents, in Principal-Agent language), the control mechanisms were used as a way to dissolve the *sahwa* forces, one dismissal or lapsed payment at a time (Nordland and Rubin 2009; Boghani 2014; Long et al. 2012: 160).

In reflecting on the overall *sahwa* trajectory and experience, in some ways the initial period of development followed the expectations of Principal-Agent theory. Even if former insurgents or those affiliated with them presented some risks, they were the agents with the greatest capacity or specialization for the task at hand, with local knowledge of insurgent networks and routes that gave them the ability to detect local threats and increase actionable intelligence. Those that reached out to the US also arguably had the closest fit with US interests on at least one crucial level – they viewed AQI as the most important threat. Moreover, although the forces presented risks, given the security exigencies, exerting the time and resources to assert more control would have proved too costly and so they were not pursued. US control mechanisms in the form of greater registration and tracking only came in once the security situation relaxed, making it less costly to exert time and resources to implement them.

The emergence of a bargaining moment and conditions by the Iraqi government interrupted this more natural Principal-Agent equilibrium. A limited number of control

mechanisms were instituted by the end of the *sahwa* initiative but the motivation behind them – on both sides – had less to do with controlling the risks posed by the *sahwa* forces than with the political bargaining surrounding them. On the US side, efforts to increase registration and tracking, and to regularize these forces were designed to help rebut accusations that these were unaccountable, risky, or militia-like forces, and persuade Maliki and other skeptical Iraqi officials to accept them. On the Iraqi government side, controls proved to be less about constraining or regulating the *sahwa*'s behavior than a means of exerting political control, ultimately with a view to ending the program.

Because controls were such a minimal part of the *sahwa* experience, it provides only a limited example of the political bargaining dynamics surrounding them. Nonetheless, it offers an important baseline for how control mechanisms were viewed early on, a point revisited in later chapters. In addition, as the subsequent case study will illustrate, the same tactics that came to the fore in bargaining over the *sahwa* – proponents' use of control and accountability mechanisms as a means to defend the program and persuade opponents to accept it; versus opponents' use of them to try to limit the program – also manifest more fully in other, more robust bargaining scenarios.

Afghan Local Defense Initiatives and the Afghan Local Police (2009 – 2020)

With the incoming Obama Administration's renewed focus on Afghanistan, many of the same generals and military officers who had pioneered the *sahwa* and the counterinsurgency strategy in Iraq rotated back to Afghanistan from 2009 onward. They brought with them a strategy similar to that in Iraq: a "surge" of international forces, and an emphasis on mobilizing tribes and communities against Taliban insurgents. Yet while the tribal mobilization efforts were similar in inspiration, there were also important differences. The local and community defense initiatives grew much more slowly in Afghanistan; it took a year for the Afghan Local Police (as the initiative came to be known) to emerge, and even after four years, the ALP would not reach a third of the numbers of the *sahwa* forces.¹⁰ There was also a much greater emphasis on accountability and control, at least rhetorically. From the earliest pilot programs of local defense forces to the final form of the ALP, the Afghan local defense forces were subject to a much more robust menu of controls than the *sahwa* would ever have, from multi-stakeholder vetting to codes of conduct and training, to a multi-layered web of oversight mechanisms, monitoring, and sanctioning devices.

¹⁰ The UN human rights mission in Afghanistan, which offered regular annual reporting of the Afghan Local Police, reported 25,277 members by the end of 2013, under one-third of the estimated 95,000 *sahwa* forces formed in the first year of that program (UNAMA 2012: 6; 2014: 50).

Differences in the conflict environment and policy atmosphere at the time were in part responsible for the greater attention to misconduct and accountability in Afghanistan, but a closer examination of the emergence of the ALP suggests a more important factor was bargaining between key stakeholders, and the role that control mechanisms played in winning approval for the ALP.

Background: The Turn to Bottom-up Statebuilding and Counterinsurgency

In 2008, it was not obvious that arming tribal and community actors would become the new zeitgeist in Afghanistan. The international community had spent the previous six years investing in the Afghan army and police, and trying to demobilize all other forces that were not part of these state forces. The Afghan government had just announced a new effort to reign in armed groups outside of state control by disbanding or better regulating private security companies, which functioned as a legal cloak for warlords to keep their militias (Aikins 2012; Brooking 2011). Where international forces or the Afghan government had experimented with LHSF initiatives in the past, it had often backfired, with the supported militias, privatized forces, or tribal auxiliary forces feeding criminal networks, engaging in abuses, and fueling anti-government resentment (U.S. House 2010; Wilder 2007; Derksen 2016b; interviews #140, 150). In an era of counterinsurgency doctrine, which was premised on protecting the population and supporting the Afghan state, repeating such initiatives would have seemed all the more unlikely.

Yet despite this, practical demands and some ideational trends pushed towards an embrace of tribal or community-based militias. International forces had been steadily expanding their force presence and Provincial Reconstruction Teams since 2005. As they did so, they were frequently confronted with the large gaps in Afghan security forces and state control. Across vast stretches of Afghanistan, the only security actors who might help international forces to repel increasing Taliban attacks were a motley crew of warlords, local strongmen, tribal forces, and militias. As a result, even though the larger statebuilding ethos at the time was focused on neo-Weberian prescriptions of building Afghan state forces, reinforcing the Afghan state's "monopoly on force," and demobilizing the rest, the security dynamics and resource constraints made the idea of turning to alternative, non-state or community actors a recurrent temptation. US forces across Afghanistan had frequently turned to local strongmen, militias, or tribal forces in pursuit of their security goals. British forces deployed in southern Helmand province saw some of the most intense fighting from 2006 on, and readily reached out to tribal militias to try to stabilize the situation (Giustozzi 2012: 102–3). In 2008, UK Prime Minister Gordon Brown was the first major leader to publicly recommend a broader NATO strategy of partnering with tribal or community forces (Boone 2008). Dutch troops facing similar

challenges in neighboring Uruzgan province also cooperated with local tribal militias (Giustozzi 2007; Derksen 2016b; Giustozzi 2012).

The demand for alternative security partners in the provinces dovetailed with a larger donor reappraisal of state-building strategies in Afghanistan, and a turn toward local or “bottom-up” initiatives. Since 2002, the international intervention in Afghanistan had followed the orthodoxy of so-called ‘liberal peace’ interventions, focused on strengthening state institutions, developing laws, holding elections, and fostering a liberal market economy. However, by the late 2000s, Afghanistan appeared to be a case in point of larger critiques of the liberal peace statebuilding modalities: the top-down and formal institution focus had resulted in hollow institutions captured by self-serving elites, while neglecting the societal institutions or actors who actually provided governance or other services to local communities (Whitty and Nixon 2009; Suhrke 2011). This led to “a search for more local, bottom-up solutions,” so-called informal or traditional governance and service provision, and “alternatives to the state” (Goodhand and Sedra 2013: 243; Suhrke 2015; Murtazashvili 2016).

In essence, the dry wood for a large-scale non-state and community mobilization strategy was already there; a renewed strategic push toward counterinsurgency, premised on what (in the US view) had proved so successful in Iraq became the activating match. One of Obama’s first steps in 2009, was to replace the commanding general of US forces and the International Security Assistance Force (ISAF) in Afghanistan. Obama appointed General Stanley McChrystal, who had made his career in Iraq and brought with him a counterinsurgency strategy that had strong echoes of the strategy adopted there. There would also be a surge in international forces, but as in Iraq, international forces would need local partners to help ‘hold’ territory after they cleared it, and to begin winning back communities through governance and security delivery (McChrystal 2009; Bruno 2008). The Afghan National Security Forces (ANSF) were more of a liability than a strength in this regard. Ethnic imbalances meant that the ANSF had particularly poor performance and credibility in the rural, Pashtun areas where the Taliban drew its strength (International Crisis Group 2010; Marquis et al. 2016; U.S. House 2012). As US Ambassador Karl Eikenberry (2009) summarized in a US embassy cable from November 2010: “Insufficient security forces, coupled with poor police performance and corruption, contribute to locals’ sense that GIRoA [the government of the Islamic Republic of Afghanistan] cannot protect them, and that the ANSF [Afghan National Security Forces] may, indeed, sometimes pose a threat.”

Instead, international forces would turn to the same tribal and community mobilization strategy that had seemed so successful in Iraq. Local Afghan communities knew the local Taliban networks and operating patterns better than any outside actor,

including other Afghan forces (McChrystal 2009; Bruno 2008). Military strategists argued that a so-called “bottom-up” or community-based security strategy might be even more appropriate for a country where government control had always been weak and where communities had strong traditions of self-governance and self-defense (Jones 2010; Long et al. 2012). Proponents argued that because of this, local defense forces were a more legitimate and realistic way to fill gaps in security and service provision, and to win communities back to the government side (Jones 2012; Fair and Jones 2009). Critics at the time (including some senior US commanders and leaders) argued that these reified visions of Afghan community self-defense, governance and autonomy were oversimplified or outmoded, and that community, bottom-up or so-called informal institutions could not substitute for the Afghan state in the way that military planners intended (Vincent, Weigand, and Hakimi 2015; Goodhand and Sedra 2013: 243; Hakimi 2013; Boone 2008; Eikenberry 2009). Nonetheless, facing substantial security gaps and what they viewed as an insufficient partner in the Afghan state, US military officials pressed forward with bottom-up alternatives.

A More Diverse, Multi-Stakeholder Bargaining Environment

Afghanistan proved a very different testing ground for this tribal mobilization strategy, certainly in terms of the nature of the insurgency and the tribal and community dynamics, but also in the policy environment. Afghanistan represented a more diverse, pluralistic, and evenly weighted bargaining environment than Iraq. There was a greater range of formal and informal stakeholders engaged in policy decision-making, many of whom were already jaded by prior militia and nonstate armed group initiatives.

The Afghanistan policy environment had always been more multilateral in tone than Iraq had been, in part due to the more even degree of burden-sharing. While in Iraq, the number of US troops (and the development funds that accompanied them) dwarfed that of other Coalition partners, in Afghanistan at least at the start of 2009, it was relatively equal in terms of troop contributions. In Iraq over the course of 2005, US forces represented 86 percent of Coalition troop numbers, while at the start of 2009 US forces amounted to only 49 percent of international forces in Afghanistan (O’Hanlon and Camp 2005; J. Campbell and Shapiro 2009). Even after two US troop surges, by early 2010, US forces still provided a little more than half of international forces (55 percent) in Afghanistan (Livingston, Messera, and O’Hanlon 2010: 10). There were of course differences in terms of what those troops contributed, with the US forces engaged in more kinetic operations and providing greater overall air support and logistical support. However, the US still depended on having other nations involved. Countries like the United Kingdom, Canada, Germany, the Netherlands, Italy, and France led one of the six regional commands or one or more of the 26 Provincial Reconstruction Teams, and also

the various development, humanitarian, and other statebuilding support initiatives in their regional areas (Dodaro 2009: 13). The EU, Japan, and some Scandinavian donors also funded a larger share of the development and civilian burden-sharing, for example, with the EU taking on the main police reform mission, or Japan almost solely bankrolling several iterations of Disarmament, Demobilization and Reintegration programming. Keeping these other NATO partners engaged, sending substantial troops, and supporting the larger stabilization and development efforts in key provinces and regions, was a recurrent, and substantial priority for US leadership in DC and Kabul, which sometimes forced concessions to more junior partners (Interview #130; Weitsman 2014: 106–10).

There were also significant stakeholders outside of government, who held greater weight in policy decision-making than their counterparts had in Iraq. The UN Special Representative to Afghanistan and his staff at the UN Assistance Mission to Afghanistan (UNAMA) played a significant role in key policy negotiations between the US, the Afghan government, and other international donors. The NGO and civil society community also held substantial influence. The shortfalls in services and governance were so great that international organizations and NGOs together acted as an almost parallel civil service (Suhrke 2011: 130–32; Ghani, Lockhart, and Carnahan 2005; Bizhan 2018). In addition, with a more permissive security environment than in Iraq and broader reporting freedom, NGOs and civil society could have substantially more influence on the public narrative. Previous NGO and civil society activism (together with that of Afghan officials like President Karzai) had helped elevate issues like civilian casualties and detention abuses into key strategic issues. As a result, UN or civil society support or objections to an initiative could determine its success or failure. In recognition of this *de facto* influence, human rights NGOs and the UNAMA human rights unit were regularly invited to ISAF's command headquarters to raise issues, comment on emerging policies, or to suggest additional provisions or amendments to command directives.

On the Afghan government side, although Karzai was no less dependent on the US than Maliki had been, the Afghanistan strategy depended significantly on winning Afghan communities back to the government side by correcting the flaws in the Afghan administration, and building a coherent state (Suhrke 2011: 139; Maley 2013). This required at a minimum for there to be an Afghan face on any initiative, and ideally for there to be significant Afghan ownership and cooperation in advancing it (Nixon 2008; Suhrke 2013). Karzai had also proven savvy in playing to public opinion and using media coverage and tribal confabs to sabotage international initiatives that he felt undermined his position (Mashal 2014). He had even used such leverage to put forward his own LHSF initiatives, often despite the reluctance of the international donors paying for them, for example, a 2006 tribal auxiliary force initiative and other less fully institutionalized

initiatives that used state funds for warlords and factional forces to secure election sites and highways (Reid 2011: 20–21; Goodhand and Hakimi 2013: 16; Wilder 2007).

As a result, although many of the same US military leaders were involved in pushing for tribal mobilization in both Iraq and Afghanistan (notwithstanding the change in US Administration), they faced a very different political environment and stiffer political opposition in Afghanistan. In Iraq, General Petraeus had such substantial power, authority, and resources at his discretion, that the US command leadership could protect and enable the *sahwa* initiative to go forward regardless of concerns from other US officials, the Iraqi government, and other Coalition partners (Rosen 2010: 226). As Dodge characterized it, in Iraq, “Petraeus’ power was unparalleled – it was huge” (Interview #110). In Afghanistan by contrast, the dual-hatted US General in charge of the US and ISAF missions had significant command authority, but on key security initiatives would also tend to consult with at least the most substantial troop contributors within the 41-nation coalition, other key donors, the UN, and other external players. Even the US policy environment itself was more divided. The US Embassy alone at the time had five ambassadors, led by Ambassador Karl Eikenberry, himself a previous US commanding general in Afghanistan. Obama had also appointed Ambassador Richard Holbrooke as the Special Representative for Afghanistan and Pakistan, and created a separate high-profile office, which Holbrooke and his team used to intervene on any number of security issues.

In addition to being a more multi-lateral and competitive bargaining environment, the Afghan policy environment was arguably more seized with the risks of unruly militias. The record of militia mobilization in Afghanistan in the 1980s and 1990s is often held up as the prototypical example of why militias are dangerous, both to their surrounding communities and to the stability of the state. Pro-regime militias raised under the former communist regime of Afghan President Najibullah Ahmadzai (often disparagingly referred to as the “Dr. Najib militias”) were unruly and abusive, undermining the rule of law and further winnowing state authority and control (B. R. Rubin 2002: 201–25, 258–78; Roy 1986: 12–14; Barfield 2010: 250–54). Over-dependence on these forces arguably contributed to the Afghan state’s collapse and then laid the seeds for the ensuing militia civil war (Giustozzi 2012). In addition to such historical lessons, since 2001 international forces and the Afghan government had repeatedly funded militias and other quasi-state forces (Clark et al. 2020; Giustozzi 2007: 166–74). By 2009, such initiatives had come to be seen as counter-productive, turning communities against the government through their unruly and corrupt practices, and reinforcing Afghan state weakness (Jones 2012, 21, 31-32; Moyer 2014, 5-8; Fair and Jones 2009, 25).

Moreover, although the counterinsurgency strategy in Afghanistan was inspired by that in Iraq, there were subtle differences. McChrystal’s (2009) proposed

counterinsurgency strategy was much more focused on overcoming the Taliban by winning back the Afghan population to the government side through addressing common grievances, ranging from addressing corruption to encouraging greater service provision. Among the list of popular grievances, civilian casualties and predatory behavior were viewed as decisively driving Taliban recruitment (McChrystal 2009; Malkasian 2020; Dorronsoro 2009). As a result, in Afghanistan at the time there was not merely a rhetorical emphasis on ‘winning hearts and minds,’ but also a number of tactical directives that reined in air strikes and offensive operations in material ways, in an effort to improve “population protection” (Felter and Shapiro 2017; Shortland, Sari, and Nader 2019; Burch 2009). These different ideational currents gave additional leverage to those arguing against local forces on the grounds that they risked becoming unruly and abusive militias.

All of this would spur a much more robust bargaining moment than had been the case with the *sahwa*, with many of the key bargaining demands and points of contention focused on the risks of these forces, and on whether controls might address them.

A Bargaining Moment Emerges

Beginning in 2009, US forces began a number of pilot initiatives to test different models of local or community mobilization (International Crisis Group 2015b: 5; Goodhand and Hakimi 2013: 9–10). The two most prominent were the Afghan Public Protection Program (AP3), which began in early 2009 in central Wardak province, and the Community Defense Initiatives, later rebranded the Local Defense Initiatives, which were initiated shortly thereafter in a dozen mostly southern and southeast districts.¹¹ The core model for both the AP3 and the Local Defense Initiatives was roughly the same – SOF worked with local community elders to raise a local force that could help win and “hold” territory against the Taliban (Lefèvre 2010; SIGAR 2018c: 110; Jones 2012: 30–32). This local force mobilization was also supposed to be accompanied by local governance, development and stabilization initiatives known as Village Stability Operations (Moyar 2014, 9-10; Saum-Manning 2012, 4-7). A key difference between the two initiatives was that the AP3 was jointly managed with the Afghan Ministry of Interior, while the Local Defense Initiatives were initiated without Afghan input, in part to try to avoid the corrupting influence of Kabul-based institutions (Goodhand and Hakimi 2013: 11–12;

¹¹ There were similar initiatives in other parts of the country were called the Critical Infrastructure Protection Program (CIPP), the Intermediate Security for Critical Infrastructure (ISCI), and Community-Based Security Solutions (CBSS) (Clark et al. 2020; Reid 2011: 15–24). These forces were also sometimes known by the more generic term for stabilization efforts, Village Stability Operations (VSOs). This full range of nomenclature is spread across the literature.

Moyar 2014: 10–11; Jones 2012: 29–30).¹² The difference in the degree of Afghan input and oversight in these pilot programs is important to note because it would cue one of the most substantial issues in the subsequent authorization debate.

Those involved in these early experiments treated them explicitly as “pilots,” which meant that they would require further approval, and knew they would face skepticism. A very similar program designed to use tribal militias to support the police in southern provinces, the 2006 Afghan National Auxiliary Police (ANAP), had ended disastrously only a year before, and donors would be unwilling to fund a repeat of that experience so soon (Wilder 2007; Derksen 2015). When the UK had proposed a NATO policy of cooperating with tribal *arbakai* or self-defense forces in 2008, the proposal was hotly critiqued and failed to gain wider traction (Boone 2008; on *arbakai*, see Tariq 2008).

In anticipation of similar critiques, those working on the local defense initiatives kept the initiative quiet for much of the first year. In addition, in what might be described as a sort of pre-emptive defense or anticipatory bargaining tactic, the pilot local defense programs included multiple control mechanisms that appeared at least partly designed to distinguish them from failed initiatives like the ANAP and to pre-empt critiques that SOF were empowering “un-regulated militias” (Eikenberry 2009; Boone 2009; Jones 2012).¹³ As Seth Jones and Christine Fair (2009, 25) argued, in a report that clearly pitched for the local defense model: “The ANAP was problematic since tribes were never empowered to control them, and the ANAP quickly deteriorated into militia forces controlled by local commanders,” To address this issue, proponents like Jones and the SOF mobilizing these forces created what might be framed as community-based control mechanisms. Community elders were to vet and select the forces in question, in theory because communities had the local knowledge to select the most effective counterinsurgents – those most likely to protect rather than abuse the population, and with sufficient credibility to challenge the Taliban locally. Military proponents also theorized that forces beholden to and embedded within communities might then also be

¹² Another minor difference was that in the more community-focused LDI model, SOF initially proposed only promising a partial salary to the community forces involved, but that communities that put supported a local defense force would receive development projects and funding (Lefèvre 2010). This proved an insufficient incentive and was later abandoned in favor of greater institutionalization, but is worth noting as one of the few examples of not just *sanctions* but broader *incentives* (carrots as well as sticks) embedded in the control mechanisms.

¹³ Nearly all interviewed who were working closely with SOF at the time argued that the good behavior or good counterinsurgent standards, and the controls intended to enforce it, were not just a matter of rhetoric, but were viewed as deeply important in themselves (Interviews #13, 15, 94, 130, 31, 152). One former intelligence officer described early SOF efforts he observed in Kandahar as aimed at building “an almost Utopian model” of good governance and civilian protection (Interview #13).

more likely to be held in check by the surrounding social and tribal structures, essentially community-based oversight and enforcement mechanisms (Interview #P13).

The early pilot models also included other institutional or personnel-based controls. SOF were supposed to embed in the communities in question for weeks, if not months, to ensure that it was the sort of site where community-based and -accountable forces were more likely to emerge than those subservient to local warlords or militias. Their co-location was also designed to further instill the expectations of good counterinsurgents, a sort of informal mechanism for monitoring and enforcing standards of “population protection” and “good governance.” Some of the early pilot initiatives also included institutional controls. The AP3 program (the initiative that was jointly managed with the Afghan government) came under Afghan police oversight and control, and included a formal training that was more than twice as long as the prior 2006 ANAP initiative (Department of Defense 2011a; Lefèvre 2010; Jones 2012).

McChrystal and the SOF command viewed these initiatives as huge successes, particularly the community-based model that did not require Afghan institutional cooperation, the Local Defense Initiatives (Lefèvre 2010; SIGAR 2018c: 110; Jones 2012: 30–32). However, to expand these forces, McChrystal and the SOF command needed more resources and broader buy-in. One initial estimate suggested that SOF hoped to earmark \$1.8 billion for the initiative (Boone 2009). Many of these resources sat within the purview of other stakeholders in the policy environment. Afghan policing initiatives to that point had been supported through a multi-donor trust fund managed by the UN. There was an additional pool of US funding available, but it required approval from the US Ambassador at the time. In addition, a key part of the model was that these local forces would be supported by broader bottom-up governance and development endeavors in these communities, so-called Village Stability Operations (Interview #152). These would require the participation of the full range of civilian agencies and development actors, including the US State Department and USAID, other donors’ development agencies and resources, the Afghan government, as well as the many international organizations and NGOs involved in development and governance programming across Afghanistan.

With these control mechanisms and pre-emptive arguments in place, in the fall of 2009, US military officials began briefing other parts of the US and Afghan governments on the merits of the Local Defense Initiatives, the model that had largely eschewed Afghan institutional engagement (Lefèvre 2010; Boone 2009). Some of the Afghan ministerial actors – those given a stake in helping to select the forces or manage them – were amenable to the proposal. But others, including the influential Minister of Interior Hanif Atmar, staunchly opposed it. Atmar argued that mobilizing local forces in the way that the Local Defense Initiatives had, outside of state control, would further weaken state

authority and institutions (Goodhand and Hakimi 2013: 11; Lefèvre 2010: 19). Eikenberry, who had been involved in ANSF development and other statebuilding initiatives for the prior decade, sided with Atmar (E. Schmitt 2009; Goodhand and Hakimi 2013; Interview #150). In a November 2009 State Department cable, Eikenberry opposed expansion of these initiatives, at least in the form proposed. He argued that “local solutions are permissible only as a closely monitored and tightly controlled stop-gap measure tied to ANSF... Otherwise, U.S. support for unconventional forces (particularly if they prove prone to manipulation by local power-brokers) could ... reinforce a traditional ‘worst practice’ – the arming of ethnic or sub-tribal militias” (Eikenberry 2009: para. 3). Beyond simply warning of the risks, Eikenberry (2009: para. 18) withheld further funding and support unless they were addressed:

Ambassador Eikenberry has informed U.S. Forces Afghanistan that he will not authorize the use of 1208 funding, nor the deployment of USG civilian personnel in support of LDI [Local Defense Initiatives] operations, until GIRoA has signed an agreement clearly delineating its own responsibility for such a program.¹⁴

With this threat, none of the funds necessary for expansion, nor any accompanying State Department development support, would be available without formal Afghan buy-in, and greater evidence that they would be “monitored” and “tightly-controlled” by both the Afghan government and the international community (Eikenberry 2009: para. 21).

By early 2010 the debate over local defense forces had leaked to the public, sparking more vociferous opposition from the international community and from civil society. US State Department officials, other foreign diplomats, and the Karzai administration warned in the press that the initiative would run “counter to the goal of giving the state a monopoly of force” and would reinforce past issues of militia and warlord empowerment (Partlow and DeYoung 2010; Chandrasekaran 2010; Jaffe and Chandrasekaran 2010). Human rights NGOs, the UN, and Afghan civil society were strident in warning that such a strategy would result in yet another cycle of militia abuse and violence – the opposite of what the new population protection strategy was supposed to advance, they argued (Reid 2011; SIGAR 2018c; Boone 2009). One editorial in the Afghan paper *Hasht-e Sobh* argued “The fact that these forces may become new warlords is not mere speculation. It is an irrefutable truth” (Bruno 2008).

¹⁴ Section 1208 was a recurring provision in the National Defense Authorization Act (since the FY2005 NDAA) that allows Special Forces to provide support to “to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.” (Pub. L. 108-375, § 1208(a)). Congressional Research Service analysis noted that this provision required “COM concurrence,” essentially the approval of the Ambassador or others appointed with Chief of Mission (COM) in the country in question (Weed and Serafino 2014: 10).

Throughout the spring and summer of 2010, there was intense back-and-forth over these presumed risks, and whether the program, as designed, could sufficiently address them. Proponents – those in ISAF command, and the SOF commanders and advisors – engaged in a “roadshow” of briefings to try to persuade a range of stakeholders that the program was important, and that the many risks identified were already being addressed (Interviews #130, 31, 32). Illustrating the breadth of the Afghanistan policy audience, those targeted in this persuasion campaign included Afghan ministers, State Department officials, diplomats of other leading ISAF countries, UN or other international organization representatives, and human rights NGOs and civil society activists. This persuasion campaign was so important that many of these briefings were presented by the lead SOF commander for the initiatives, Lt. Gen. Miller, including those to NGOs and civil society (Interviews #130, 31, 32).

Given the range of risks outlined above, SOF and other proponents’ “pitch” significantly revolved around the number of controls and risk mitigation mechanisms already attached to these forces. Internal documents – power point slides, briefing documents, etc. – developed to persuade internal or external stakeholders of the merits of the program reflect the emphasis on safeguards like vetting, community consultation and control, and other screening and monitoring tools (See, e.g., Saum-Manning 2012: 9–11; CFSOCC-A 2010). As the bargaining progressed, proponents tried to persuade critics and overcome skeptics by adding more control mechanisms. In response to calls by Afghan ministerial actors, Eikenberry and other international diplomats for greater Afghan state oversight and controls, SOF and ISAF staff added more institutional control mechanisms to the list of safeguards. For example, a January 2010 Briefing on the Local Defense Initiative (CFSOCC-A 2010) included a much greater detailing of “GIROA” (Government of the Islamic Republic of Afghanistan) involvement at each step in the process, as well as other institutional controls, from loyalty oaths to the Afghan state, to intelligence and police vetting and oversight, to biometric tracking and registration (see Box B). Other critiques based on issues with past quasi-state forces were also codified into restrictions. For example, a prominent issue with the ANAP forces had been allegations of drug abuse; by early 2010, prohibitions on any narcotics usage had been codified in the Local Defense Initiative program restrictions (see Box B). Another frequent critique was that the program would empower ‘roving militias’ who would advance the interests of regional warlords and powerbrokers; this too was translated into an additional restraint, with a rule that the forces were not to operate more than 1 kilometer from their village and that “Local Defense Forces cannot form or support militias” (CFSOCC-A 2010: 4).

Box B: Excerpt from January 2010 Briefing on Local Defense Initiative

- Village Shura and Local Defense Force members sign Compact with GIRoA
- Vetting through village elders and Shura, as well as NDS, district police chief, district and information provided to provincial governors
- Loyalty oaths for all members
- Administrative and Biometric Registration of Local Defense Forces
- Pay through banking system to individual, not through commanders (MOI current process)
- Identification Cards, Weapon licenses
- No Poppy growth or Narcotics usage allowed in village
- No tie to tribal militias allowed [...]
- No authority for Local Defense Force outside home village area (area approved by district.” (CFSOCC-A 2010: 6)

Despite adding these controls, by the summer of 2010 the program had still not been approved. Marc Jacobson, a senior NATO political advisor who was involved in many of these “roadshow” briefings alongside Miller remembers the greatest resistance coming not from those in official positions, but from the range of NGOs and other civil society members (Interview #130). Other European diplomats in Kabul shared some of the same concerns Eikenberry had raised, in terms of the program undermining statebuilding goals, or risks of abusive and warlord-linked militias, but were largely acquiescent once Afghan institutionalization was part of it (Interview #130, 132, 150). Although no European country would ever help fund the ALP, media coverage suggested that other major donor countries relaxed their opposition once it was agreed that the force would come under Afghan institutional control (Partlow and DeYoung 2010). One UN official involved in security sector deliberations at the time characterized the European position as one of resignation: “The Americans wanted to have this project: they would fund it; they would staff it; it would be their baby...as long as it’s formally under the MOI and you [the Americans] take care of it, then it’s fine” (Interview #132).

The larger challenge came from a cohort of human rights and civil society actors. Those involved in the US and ISAF deliberations over the ALP offered several reasons for why NGOs and civil society groups – seemingly powerless outside actors – might have a voice in this. First, human rights groups had proven such trenchant critics on other issues, for example on civilian casualties or nighttime raids, and were viewed as derailing other important military or strategic initiatives. Second, Jacobson said that on his recollection, Eikenberry had not only insisted on formal Afghan agreement, but also said he would not

support the initiative if the UN and NGOs were openly and vocally opposing it (Interview #130). The two conditions also complemented each other: Jacobson said that an additional reason to win over the UN and NGO audience was the fear that Karzai might “play up” vocal NGO opposition in the media – similar to what had happened on civilian casualties and detention issues – and use that as a bargaining chip to extract further concessions (Interview #130, also #150). Highly public criticism in the media could also jeopardize the public image of the program, potentially undermining its success or imperiling future funding from Congress or potentially other donor countries. Third, as more than one interviewee remarked, this was an ISAF leadership that had included Sarah Chayes – a former journalist who had been running an NGO and soap factory in Kandahar for a decade – as a key ISAF advisor (Interviews #15, 130). It was a policy moment in which, for a range of strategic, practical, and ideational reasons, NGOs and civil society views carried weight. For all these reasons, but also because they expected the hardest questions to come from this group of stakeholders, “the audience we were most worried about was the UN audience and the NGOs,” Jacobson remembered (Interview #130).

In meetings with Lt. Gen. Miller or other ISAF officials, UNAMA, the leading human rights NGOs and Afghan civil society organizations brought their own demands for accountability and control mechanisms. They raised questions about the level of human rights training, how predatory militias and warlords would be held to account given past issues of impunity, whether these forces would be engaged in detention operations, and what the “endstate” would be – whether and how forces would be demobilized in subsequent years (Interviews #30, 31, 32). Miller, Jacobson, and other proponents tried to persuade these NGO critics that these concerns were being dealt with through the more community-based vetting and careful site selection, the close oversight by both Afghan and international mentors and institutions, by the more extensive training (which they promised would include laws of war and human rights material), and by specific restrictions on these forces – for example, the limitations on operating locally. Those involved in the negotiations, with DoD, ISAF, or other ground level units, remembered many changes introduced to try to respond to civil society pressure (Interviews #15, 33, 130). Jacobson himself remembers a lot of discussion about what type of vetting would be sufficient to meet human rights concerns and noted that training on human rights and laws of war was clearly something they had to have in the program for the “UN and NGO audience” in his view (Interview #130).

The issue would come to a head in the summer of 2010, just after Petraeus replaced McChrystal as the commanding general in Afghanistan. Given his record in Iraq, Petraeus not only wanted to keep the local defense programs but to rapidly expand them, as with the *sahwa*. Signaling the priority given to the program, Petraeus reportedly raised

the issue in his first meeting with Karzai (Partlow and DeYoung 2020; Interviews #P12, 14, 102). According to a former Karzai advisor privy to the initial negotiations, the model for the forces in Petraeus' first proposal to Karzai already included more explicit and robust controls than even the pilot programs, with more rigorous vetting and selection to prevent warlords and militias from hijacking it, and safeguards to restrain forces from abusive or unruly behavior (Interview #P12). However, Karzai was less interested in controls that would meet US military ideals of local counterinsurgents than in ensuring Afghan control over the force. Karzai insisted that unless the forces were put under Afghan authority – under Afghan ministries, wearing state uniforms, and reporting to Afghan forces – he would not approve it.

Karzai's position appeared to be a mix of political motivations, and some genuine objections to US forces mobilizing militias without Afghan government consent (Interview #14, 150). Karzai and Atmar had taken a number of steps in the same period to reinforce the ANSF, and to strengthen the "state monopoly over the armed forces" by asserting greater state authority over nonstate, local, and privatized pro-government forces (Lefèvre 2010: 13; Goodhand and Hakimi 2013: 14). But as Goodhand and Hakimi (2013: 14) note, "[t]o some extent, this was also a fight over control of patronage and the people." In Afghanistan, the ability to place affiliates on the state payroll or exempt commanders and their forces from disarmament was a form of patronage (Derksen 2016a; Giustozzi 2008; Goodhand and Hakimi 2013: 16). Later evidence of how Afghan officials managed the program suggest that Afghan pressure for institutional control had more to do with being able to control the resources than with reinforcing state authority. Once Afghan officials had gained control, the geographic scope of the program (which provinces or districts would have an ALP unit) and the forces ultimately selected tended to draw from and benefit powerbrokers within Karzai's governing coalition (Interview #13; Moyer 2014, 17, 89, Clark et al. 2020, Chap. 3).

Regardless of the motivations, the initial meeting did not go well. Accounts describe the negotiations between Karzai and Petraeus as intense, with Karzai "storming out" (Interviews #P12, 102; Partlow and DeYoung 2010). This increased the stakes, and though Karzai eventually agreed, he only did so once his primary condition of Afghan institutionalization had been met. Both sides reached an agreement in July 2010 and the Afghan Local Police were formalized through a presidential decree in August 2010 as a community force under the authority of the Ministry of Interior. Box C on the subsequent page summarizes the control mechanisms that were adopted at the program's inception.

Box C: Summary of Control Mechanisms for the ALP

As authorized in August 2010, the ALP program included the following control mechanisms, according to Principal-Agent typologies:

Vetting & Selection

- Site selection – community approval; SOF confirm the site meets criteria
- Nomination and approval of recruits by community elders
- Background checks by Afghan intelligence service and/or Mol
- Biometric data and screening for criminal record or insurgent or terrorist affiliation

Standards, Rules & their Reinforcement (i.e., Training)

- Comply with all Mol regulations and Afghan laws
- ALP code of conduct (including restrictions to defensive operations, and no further than 1km from village)
- Oath of loyalty to the Afghan government.
- 21-day training (including on human rights, laws of war, and the ALP code of conduct)
- Special Forces embedding and mentoring of new forces

Monitoring & Oversight

- Community *shura* oversight
- Command and local oversight from local chief of ANP and governor
- Institutional oversight from Mol, and accompanying chain of command
- Mentorship/oversight from SOF; other international military (US regular forces / UK)

Sanctions and Incentives

- Development funding for communities that participated
- Informal sanctions from community elders (stigma/social pressure)
- Mol disciplinary procedures or prosecution
- withdrawn US funding, support or mentorship (later formalized into a specific protocol and mechanisms, as discussed in greater detail in chapter V).

Analysis of Control Mechanisms and Bargaining for the ALP

The development and authorization of the ALP suggests several ways that control mechanisms were used. Control mechanisms nominally reflected the terms of the debate and the need to mitigate the risks of militias, but more often they appeared to represent maneuvers or tactics for winning over skeptics and prevailing over other players within the bargaining arena. BPA expects that players in the game will evaluate the ways that they can advance their interests. Part of that is building coalitions within the “action game” in question, and converting or overcoming adversaries (Allison 1969: 711; Halperin, Kanter, and Clapp 1974: 122). In one article, Allison & Halperin (1972: 78) offered a checklist of considerations for bureaucratic players, including an analysis of “Who are natural allies, unappeasable opponents, neutrals who might be converted to

support, or opponents who might be converted to neutrality?” and what sort of arguments or maneuvers would be necessary to achieve that.

For proponents of local forces – US military leadership, SOF and their advisors – control mechanisms were a way to prevail in these bargaining debates. Acceding to Afghan oversight, vetting, and controls was a compromise from their vision of what would produce strong counterinsurgent forces (Interview #152), but it transformed the Afghan government from a staunch opponent to a supporter. It also neutralized the critiques of statebuilding-minded diplomats (both US state department officials and those of other NATO partners). It would be hard to argue that the human rights vetting and training persuaded human rights NGOs to support the re-mobilization of militias. They represent the sort of “unappeasable opponents” noted in the quote by Allison and Halperin above. However, reinforcing such controls at least somewhat muted or quieted opposition, and was a way to demonstrate to other key decision-makers – like Eikenberry – that NGO concerns were being addressed. These “unappeasable opponents” became more isolated once other key stakeholders and players had been neutralized or brought inside.

Controls were also used by others in the bargaining arena. For the Afghan government, control mechanisms became a way to assert control over the program itself, similar to Iraqi government demands over the *sahwa*. Afghan government arguments for institutionalization were as much about ensuring that Afghan officials could allocate the benefits of the program, as about an inherent belief that institutionalization was necessary. It was a tactic that allowed them to switch the locus of control from international forces to the Afghan government, and for their organizations and personal networks to benefit from the resources and influence of the program.

For some players, controls presented a sort of limiting device, a last resort tactic to at least constrain the riskiest or most problematic elements of the program where they could not halt it entirely. European allies could not stop the US from going forward with the program, but at least urging Afghan institutionalization and more oversight curbed some of the riskiest elements from a statebuilding perspective. One UN official said that while other European partners in ISAF were not enthusiastic about the ALP, if it was going to go forward, it was viewed as better to have these militias under Afghan police, rather than mobilized and reporting only to US Special Forces, because it offered a potential pathway for regularization (Interview #132).

Last-resort or limiting device tactics can also be seen with the human rights and civil society players. While Jacobson’s account suggests that a hard NGO veto might have carried some weight, most NGOs did not believe that they could stop a program that already appeared to be a *fait accompli* (Interview #32). Given this, while many would have

preferred to halt the program altogether, they settled for limiting the worst risks of the program, through human rights-based vetting requirements, by urging some greater training, and insisting on rules that might reduce situations known to lead to abuses in the past (i.e., on offensive operations and detention).

Even Eikenberry's opposition might be seen as something of a limiting device. His own recollection of the bargaining dynamics was that there was little that he as Ambassador could do to stop the US military leadership – the “800-pound gorilla” in the Afghan policy space – from getting approval for this program (Interview #150). However, he argued that his insistence on some modifications at least slowed down what otherwise might have been a much more rapid, widespread, and unilateral US mobilization of militias: “We slowed it down from 100 miles per hour to 50 miles per hour” (ibid).

Comparing this account with the expectations of Principal-Agent theory discussed in Chapter II, this bargaining perspective appears to offer a much closer fit with the evidence and offers a stronger explanation of which control mechanisms manifested and why. Principal-Agent theory presumes that control mechanisms will manifest where it is deemed necessary to limit agency loss, and that they will not manifest where doing so would prove costly. In the Afghan Local Police case, neither of these calculations appeared as significant to whether and which control mechanisms manifested as the way that they advanced or responded to the institutional, parochial, or bargaining interests of the stakeholders involved. It was not that a policy decision was made that mitigating risks was highly important, and then control mechanisms selected that would best mitigate risk. Instead, controls were proposed as the result of bargaining back-and-forth, and represent explicit compromises or concessions between those promoting local defense forces and those more concerned about their risks. The adoption of control mechanisms that would respond to the concerns of Karzai and Atmar, of Eikenberry, of other international diplomats, and of the UN and human rights NGOs were mechanisms that ultimately facilitated a compromise between these competing views and allowed it to go forward.

Conclusion

Although the *sahwa* and the ALP were different types of forces within very different contexts, similar triggers and tactics explain whether control mechanisms manifested, or not, in both cases. In both the *sahwa* and ALP examples control mechanisms were proposed, amended, or adopted because they served the interests of players in the bargaining arena. Proponents used them to defend the proposal against a particular criticism or counterargument. In Iraq, late-stage controls were an attempted response (if ultimately an unconvincing one) to critiques that the US was funding unaccountable militias who posed a threat to the Iraqi regime. In Afghanistan, control

mechanisms were relied upon even more heavily. They were used to reassure a range of skeptics that with stronger selection mechanisms to pick the right forces, institutional oversight, and a stronger focus on restrictions, standards of behavior, and sanctions, the ALP would not repeat the failings of its predecessors and threaten the authority of the state, energize warlords and militias, or enable violence and human rights abuses.

Opponents also used the program to advance their bargaining goals. Both Maliki and Karzai, and their supporting regimes, sought greater ownership of the program, but for different ends. Unlikely to persuade the US to end the program he detested, Maliki used ministerial oversight, authority over pay, and the information from US tracking controls to decommission the *sahwa* in practice. Karzai and the factional leaders and politicians in his government, sought control mechanisms in the form of Afghan authority and ministerial control in order to have the ability to put their own militias on the payroll, a form of patronage. Other critics in the Afghan case demanded control mechanisms as a way to limit what they saw as the most significant risks, whether in terms of statebuilding goals or risk of abuses.

This account suggests that control mechanisms manifested less as a mechanism of principal control than as the result of bargaining dynamics, and the need to resolve competing stakeholders' interests. At least in the Afghan case, controls became a mechanism of compromise, allowing competing views on the costs and benefits of the program to be harmonized, and for the program to go forward. The Iraq case represents more of a failed bargaining scenario or compromise: despite US efforts, control mechanisms could not overcome Maliki's hostility to the program. In addition, changing dynamics and US withdrawal collapsed the bargaining moment and any need to compromise with US demands almost as soon as Iraqi institutional control was assumed.

The differing trajectory and structure of the bargaining dynamics and players in Iraq and Afghanistan offer additional insights into the connection between bargaining and the manifestation of control mechanisms. In Iraq, where limited controls emerged, there was only a limited bargaining moment, and only in the later stages, once the force had already formed. A number of factors contributed to the less prominent bargaining dynamics in the *sahwa*, especially in the initial stages. Unlike the very multi-faceted and diffuse decision-making structures in Afghanistan in 2009, Iraq in 2006 and 2007 was a much more US-dominated affair. The US had coalition partners, but they were more marginal in terms of their troop contributions and influence on US decision-making than in Afghanistan.¹⁵ Moreover, with 150,000 forces on hand to recruit and develop *sahwa*

¹⁵ Adding to the inferences about differences in troop contributions noted earlier, overall between 2004 and 2008, the percent of troops contributed by non-US partners to Coalition activities in Iraq ranged from just

forces directly, and an easy way to pay them through the commander discretionary funds, “Iraqi permission didn’t matter,” as one DoD advisor noted (Interviews #15; also 14). Last, the perceived security exigency of the moment in Iraq neutered internal US government or congressional opposition. The White House was focused on addressing the spiraling security crisis above all else, and few questions were asked about the means of doing so (Interview #95). The view from Congress was similar. Richard Fontaine, then a senior Senate staff member, said that the risks of *sahwa* forces, or how they would be selected, or vetted, or controlled never came up. They appeared to be working, he said – in contrast, he noted, to the billions that had gone into collapsing formal security forces – so no one was interested in questioning them (Interview #16).

All of these factors combined meant that at least in the first year, there was no “bargaining moment” in Iraq. It is not that there was an absence of concerns about the *sahwa* – they presented the same panoply of risks as any other irregular force, and many stakeholders in Iraq were concerned about those risks. However, the US did not need to obtain approval or buy-in from other stakeholders, and so there was no bargaining moment to provide critics the opportunity to litigate these concerns and force concessions, including control mechanisms. Only once Iraqi participation was needed did a limited bargaining moment emerge, and along with it, control mechanisms.

By contrast, in Afghanistan, the idea of local defense forces was introduced into a much more diffuse, multi-faceted and robust bargaining scenario, and one that was much more seized with preventing further abuses or counter-productive behavior by government-aligned forces. The US military needed the approval, support, or some degree of buy-in from a range of different official and informal stakeholders, from those within the US government to other partner diplomats, to Afghan officials, and even NGOs and representatives of the international community. This made the likelihood of controls emerging as concessions to different stakeholders much more likely than in the largely bilateral – at times almost unilateral – decision-making environment in Iraq. The difference between the ALP and the *sahwa* program suggests that controls appear as a by-product of a competitive bargaining moment. The more contentious the issue, and the greater number of players, the more likely that controls will be generated as part of the policy compromises and concessions.

over 4 to 16 percent of the total (O’Hanlon and Campbell 2008; O’Hanlon and de Albuquerque 2004; Livingston and O’Hanlon 2012). Further, their participation in coalition activities did not translate into significant influence or constraint of US decision-making. One senior advisor to Gen. Petraeus noted Other Coalition partners tended to find a niche area or to provide advisors to support a US-led initiative but had “no role in decision-making at all” (Interview #110).

These two key insights are broadly consistent with BPA's view of policy outcomes as the result of stakeholder competition. However, one element in the forgoing accounts that differs from traditional BPA analysis is the emphasis on those outside the US government apparatus as key stakeholders in the bargaining debates – from Karzai and Maliki to NGOs and the UN mission in Kabul. The way that these external stakeholders participated in the bargaining moment in each country provides a concrete example of chapter II's call for an expanded conception of the players in BPA.

Particularly important for this chapter is the role of foreign leaders. In both the *sahwa* and the ALP example the Iraqi and Afghan governments appeared to be more than purely stimuli, but as key players and co-participants at the bargaining table. This produced BPA dynamics usually seen or analyzed within a sole government happening across two governments. For example, the reaction of different US and Afghan principals, ministries and departments to the initial local defense proposal strongly reflects the sort of stand-sit positions that one expects within a single bureaucracy. So-called "White SOF" (those that specialize in building up indigenous partnerships and counterinsurgency) saw it as a way to get back to their core mission and toolkit (Interview #13),¹⁶ and were supported by the Department of Defense as a whole, which saw the initiative for its contribution to their security mission. In contrast, large parts of the US Embassy, led by Eikenberry, and some counterparts in the State Department in Washington, DC, saw the proposal from their own lens, and thus weighted more heavily the risks to the larger statebuilding and governance objectives, and of human rights abuses (Interview #150).¹⁷ Afghan ministries were equally influenced by their own stand-sit positions, mission sets, and organizational or parochial interests. The Afghan Ministry of Defense was opposed because it saw such militia mobilization as against their ethos of building professional security forces (Interview #13, Lefèvre 2010, 19). The Ministry of Interior also presented opposition to the Local Defense Initiative, partly because of Atmar's personal views on

¹⁶ "White SOF", like green berets, identify as specialists in irregular warfare and the sort of local counterinsurgent partner development typified by their work in the Vietnam and El Salvador conflicts. In the period prior to the local defense initiatives, these White SOF had been pulled into more operational, counterterrorism, targeting operations (i.e., nighttime raids and kill-or-capture missions) usually the remit of "Black SOF" (Interviews #153, 13). As one of the advisors to the local defense initiatives observed at the time, "Enthusiasm for ... [the local defense forces] when it started was not as much for the mission as for the belief [that these were] things they should be doing" (Interview #13).

¹⁷ Eikenberry noted that the entire State Department did not share the concerns he raised in the November 2009 cable, despite that, "accountability, state-building, human rights, transparency... it all sounds like the Department of State [mandate], right?" (Interview #150). He said that Secretary of State Hillary Clinton sided with DoD on the ALP debate. This observation aligned with other accounts of the internal Obama Administration deliberations, and Clinton's tendency to align with US military leadership on use of force issues (Landler 2016). These dynamics would also manifest in the Syria armed group deliberations (discussed in Chapter IV).

the best way to bring militias under state control but also likely because the Mol had been excluded from organizing the Local Defense Initiative (in contrast to the AP3, which Atmar supported)(Goodhand and Hakimi 2013: 9–13; Lefèvre 2010: 13–19). By contrast, other Afghan ministries given a role in the initiative were supportive of it (ibid.).¹⁸ In essence, the same patterns outlined in classic BPA were applicable, with the institutional position, resource interests, or lenses of each agency or stakeholder shaping their position on local defense forces. In this case, though, the competing views manifested across two bureaucracies rather than one, and a mix of both US and Afghan players and organizations.

When bargaining commenced, it was more akin to the sort of intra-bureaucratic or intra-branch deliberations described in classic BPA texts – wherein different players or principals advance “differing conceptions” of what would be the best way forward or in the national interest (Allison and Halperin 1972: 57) – than the sort of negotiating dynamics usually ascribed to opposing states (R. Powell 2002; Schneider 2005; Putnam 1988; Keohane and Nye 2012). This is in large part because US and Afghan or US and Iraqi leaders were deliberating over a response to a mutual policy challenge: how to address gaps in security forces and counter insurgent movements without undermining other policy goals. Although both sides had their own position or side, the policy issue in question was designed to resolve a security issue in territory that was (at least as far as security matters were concerned) jointly administered and controlled.

A last important point for the subsequent discussion concerns the legacy effects of the *sahwa* and the ALP. The perceived tremendous success of the *sahwa* program came to stand for the principle that reliance on LHSFs could work and should be embraced, while the abrupt end of the program when Maliki took over would later send a note of caution about mobilizing such forces without full local buy-in. The ALP was motivated in part by the perceived success of the *sahwa*, but adapted to accommodate critics and concerns that were more potent in the Afghan political environment. The ALP would come to stand for the idea that leveraging irregular forces was acceptable so long as it was accompanied with a degree of accountability and tight control. Subsequent chapters and LHSF case studies will revisit some of these legacy effects, including in later iterations of local force development in Afghanistan and Iraq.

¹⁸ SOF had recruited for the local defense initiative pilots in part based on suggestions from a tribal powerbroker named Mohammad Arif Khan Noorzai, a Karzai relative and the head of a public highway and tribal support ministry, and also proposed a role for the Independent Directorate for Local Governance (Eikenberry 2009; Lefèvre 2010: 19–20; Boone 2009; Goodhand and Hakimi 2013: paras. 12–13). Goodhand and Hakimi (2013: 16) offer a further breakdown of different interests and positions among international actors, and national and provincial elites.

Chapter IV: Support to Syrian Armed Groups: a Quagmire of Standards and Controls

US partner choices and intervention pressures in Syria were a world away from the counterinsurgency and statebuilding goals that had motivated US support to LHSFs in Iraq and Afghanistan. Despite this, some of the same control mechanisms and risk mitigation approaches would manifest in US support to Syrian LHSFs as had appeared in Iraq and Afghanistan, including multi-faceted vetting; training, rules and standards; a range of monitoring and oversight approaches; and threats of funding cuts and other sanctions to enforce US conditions. Such controls even appeared to manifest in the CIA-provided covert assistance, where one would assume that the sort of counterinsurgency motivations, public scrutiny, or legal pressures that might drive control mechanisms in other contexts would not apply.

Why did control mechanisms emerge across the range of Syrian initiatives? The Syria cases present an even greater challenge to Principal-Agent theory's assumptions about control mechanisms. Although the risks were significant, trying to constrain them would be extremely costly and almost certainly limited, given the lack of US access to territory and the complex and fluid nature of the Syrian civil war. Information asymmetries were at an extreme, and the higher legal and political consequences of more direct US intervention would bar many potential routes for greater oversight or control. To answer this puzzle, this chapter will consider how some of the bargaining dynamics discussed in Chapter III might explain the repeated manifestation of controls across the different Syria initiatives, examining a series of intra-US bargaining scenarios and then also the potential influence of bargaining with external actors. The final concluding section will take into greater consideration some of the organizational tendencies and protocols outlined in BPA, and how these interacted with bargaining dynamics.

Background: Multiple Support Programs, Untold Risks

Five different US initiatives will be discussed in this chapter, covering the most well-known or significant US initiatives between 2012 and 2019:

- CIA covert, lethal support to FSA groups (fall 2012 – 2017)
- Early State Department non-lethal assistance to the Free Syrian Army (FSA), as implemented through the Bureau for Conflict and Stabilization Operations (CSO) (fall 2012 – end of 2014)
- The first Congressionally authorized program, to “Train and Equip” Syrian rebels against ISIL, called the New Syrian Force (summer 2014 – Oct. 2015)

- A revised version of the anti-ISIL “Train and Equip” program, partnering with Turkey to support groups in northern Syria (Oct. 2015 – end 2016)
- Use of the “Train and Equip” funds to support forces that would become known as the Syrian Democratic Forces (SDF)¹⁹ (2015 – 2019).

These five case studies appear roughly chronologically in this chapter. However, the organizing logic of this chapter is by bargaining or organizational dynamics, rather than by case study. The first three case studies will be used to illustrate internal US bargaining dynamics, and the latter two to illustrate bargaining with external actors. The final section considers organizational dynamics in several of the case studies. The case study dates noted above include the period of bargaining or deliberations, where identifiable, rather than taking as the point of departure the point of authorization or when assistance reached the groups. The end date denotes the conclusion of this iteration of support, or conclusion of research, where support was ongoing (i.e., the SDF). Additional information about the time periods in question is included at the start of the case studies, as relevant.

Each of these initiatives came with a range of risks and concerns. Particularly with the first few initiatives supporting FSA, the legal framework questions predominated. Providing overt, lethal support to groups intent on overthrowing the sovereign government of Bashar al-Assad was seen as violating international legal principles of non-intervention (at least absent a UN mandate, which would not be forthcoming given Security Council vetoes). Although arguably still an issue with the latter programs, US policymakers and legal advisors were slightly less concerned about the legal framework questions once the goal of such support became countering ISIL, and thus could be justified (in the US view) by collective and sovereign self-defense.²⁰

Throughout all the programs, there were also substantial concerns about some of the downstream consequences that might result from US assistance. It was an increasingly bloody, internecine conflict, with war crimes on all sides and weak discipline among many of the groups. US arms and equipment might go to groups or individuals who had committed atrocities, potentially even directly enabling their commission. This

¹⁹ US support to a coalition of YPG and Arab fighters began with the siege of Kobane in the fall of 2014, and continued over 2015, with US Special Forces even deployed on the ground to support the YPG and other Arab units formerly part of the FSA. On October 11, 2015, this coalition of YPG and Arab groups renamed itself the Syrian Democratic Forces (A. Stein 2017: 8–9; Reuters 2017). To avoid confusion, the term SDF will be used throughout to refer to the Kurdish-Arab fighting coalition in northeast Syria.

²⁰ Since 2001 the US has consistently justified unilateral intervention absent UN mandates as part of its right to collective and sovereign self-defense, particularly where it deems the sovereign territorial holder in question to be “unwilling or unable” to deal with the threats in question (G. D. Williams 2013; Deeks 2012; Gaston 2019). Not all states share this legal interpretation, but it is so entrenched as the US legal position that it would alleviate internal bureaucratic discomfort with intervention in these scenarios.

raised substantial legal and (for some US policymakers) moral issues, contravening established US policy preferences for engagement. Domestic regulations and laws were also an issue. A standing provision of US law known as the Leahy Law prohibits US support (via DoD or State Department funds) to foreign forces against whom there is credible information of Gross Violations of Human Rights. Many of the Syrian groups recruited fighters of all ages, and so support to them might also contravene US international and domestic legal obligations regarding preventing use of child soldiers.

There were equally pressing security concerns. As one former White House advisor framed President Obama's concerns on arming the Syrian opposition:

Look at the situation in Syria: You have Syria, a state sponsor of terrorism armed by Iran, also a state sponsor of terrorism, fighting alongside Russia, an adversary of the US; and also fighting alongside Hezbollah, another terrorist organization. We are also fighting against ISIL, a terrorist organization. And the best we could find as a [US] partner is the PKK, a designated terrorist organization. Take that situation [in which you have] seven malign actors, from the perspective of the United States. Sending weapons into the country is a problem. (Interview #86)

US policymakers worried that if the US provided arms and equipment to Syrian fighters, they would inevitably fall into the hands of any one of the many extremist and terrorist groups operating in Syria. This would not only create enormous public or reputational costs, but might put US officials and their implementing partners at risk of transgressing UN sanctions²¹ and of incurring US domestic legal liability under US provisions prohibiting "material support" to Designated Terrorist Organizations (DTO)(18 U.S.C. §§2339A and 2339B).²² Preventing this would prove difficult. There were hundreds of armed groups in Syria, with new ones constantly forming or rebranding, and shifting affiliations between them. US policymakers tended to describe the FSA groups as "marbled" meaning that they were so intermixed that US policymakers could not distinguish those who were "moderate" or secular (and thus acceptable partners in the US view), from those viewed as too close to Islamic extremist organizations (Interviews # 98, 105, 11, 90). In addition,

²¹ UN Resolution 2083 (SC Res. 2083 (2012), 17 December 2012, art. 1(c)) prohibited the "direct or *indirect* supply, sale, or transfer" of arms, equipment, technical supplies, or any assistance related to military activities to Al Qaeda and affiliated groups (*emphasis added*). In Syria this arguably would have included both the *Jabhat al-Nusra* and ISIL. The inclusion of "indirect" supply among the prohibitions is important, given that what is at issue here is provision of such supplies to other FSA groups that might then be transferred to the *Jabhat al-Nusra* or ISIL.

²² The provision has been interpreted so broadly that it might result in felony imprisonment even if the support was not given with the intent of furthering terrorism or the organization in question (Doyle 2016)(*Holder v. Humanitarian Law Project*, 130 S. Ct. 2705 (2010)). As such, if any US material support was inadvertently provided to groups with terrorist affiliations (now or in the future), or later transferred by the recipient group to DTOs, it might create personal liability for US officials or organizations involved.

even if a group was not known to affiliate or identify with Islamic extremist groups, it would be impossible to ensure that US assistance stayed out of the hands of “DTOs” once transferred into Syria. Islamic extremist groups like *Jabhat al-Nusra* (the Nusra Front),²³ had become dominant among the opposition and seized territory and supplies from smaller groups frequently.

A last major set of concerns were the mid- to long-term risks of what would happen with these groups once supported and enabled by the US. From the US side, a major fear was that these groups would become the next major terrorist threat. In the 1980s, the CIA provided covert support to anti-Soviet *mujahideen* fighters in Afghanistan, some of whom, including Osama bin Laden, would go on to form *Al Qaeda* (opt. cit. Coll 2005: 87). As Secretary of State Hillary Clinton would later note in her account of debates over Syrian assistance, “the story of the *mujahideen* in Afghanistan remained a powerful cautionary tale never far from anyone’s mind” (Clinton 2014: 463). Alternately, Syrian rebels might not become the next major terrorist threat, but might prove weak in containing it. Some within the US establishment feared that if Syrian rebels prevailed, they would prove worse than Assad at keeping *Jabhat al-Nusra*, ISIL or other terrorist groups in check. Other regional partners had their own qualms about the direction of US support. As will be prominent in discussions of the last two initiatives, Turkey had no tolerance for US support to the Kurdish-led SDF, which it viewed as a front for the Kurdish resistance group it had fought for decades, the PKK. Turkish officials feared that any arms or training given to the SDF would later be used against Turkey.

There was a range of measures to try to counter these perceived risks, across all five initiatives. All involved multi-pronged vetting protocols, screening for past human rights abuses, affiliations with groups deemed to be Islamic extremist groups, any connection with Assad’s regime or Iran, and other criteria. Many of the programs involved formal protocols or codes of conduct, or at least well known redlines, that were frequently enforced (at least for the FSA initiatives) through sanctions or being cut from US funding. Some of the later DoD-managed programs involved training on these standards and redlines. Except for SDF assistance, the support was remotely managed, without troops or US personnel on the ground. However, there were extensive oversight and reporting mechanisms – from third-party monitoring, to extensive reporting requirements on the armed groups.

²³ The group later renamed itself *Hayat Tahrir ash-Sham*. However, it often continued to be known as the *Jabhat al-Nusra* after this name changed. Because of this and to avoid potential confusion generated by using different names, this thesis will use *Jabhat al-Nusra* to refer to this group across all time periods.

Such a robust menu of controls might appear to be a natural response to the number of risks involved. An administration dominated by lawyers was taking steps toward intervention that were increasingly risky both legally and politically. Moreover, they were doing so under a global magnifying glass, given the high levels of public and policy attention toward Syria and ample documentation of abuses, misuse of funds, and potential security threats that resulted from US assistance.

However, Principal-Agent theory does not assume that where the risks are higher, so follows the number of control mechanisms. Instead, Principal-Agent theory frames the decision to use control mechanisms as a cost-benefit analysis, weighing how likely they are to work and bring benefits in terms of control, versus how costly they will be to apply in term of resources or in terms of impairing the effectiveness of the agent. In the case of Syria, no policymaker thought that these controls were likely to entirely, or even perhaps significantly, mitigate the risks in question. Syria presented an environment in which controls were particularly unlikely to work: the challenges of information asymmetry were even higher than is typically the case in security assistance relationships. The supported actors were almost entirely unknown, and armed group dynamics were constantly evolving. Given limited direct access to territory, the costs of overcoming those information biases were so high as to be virtually insurmountable. Across all five programs, these control mechanisms also generated significant costs, in many cases proving so cumbersome, or introducing selection and cut-off criteria that were so significant, that they prevented the program from achieving its overall goals. What then explains the many control mechanisms? The subsequent case studies will introduce empirical evidence that explores how bargaining and bureaucratic dynamics contributed to control mechanisms, even where the costs and benefits of doing so did not add up.

Intra-US Bargaining: Reaching a Compromise between Competing Visions, Tactics, and Controls

The case studies of the first three iterations of support to Syrian armed groups illustrate different intra-US bargaining situations and dynamics. The clearest example of a high-level “decision game” – the type of bargaining most commonly analyzed in BPA – is the White House debate over arming Syrian rebels, which resulted in the CIA covert program. However, before this high-level debate and throughout the implementation of all of these programs, bargaining was also happening at a lower level in the US bureaucracy, among those trying to implement or expand the support programs in question. This is best illustrated by the State Department non-lethal assistance, which began before any of the other programs and through its iterative, intra-bureaucratic

bargaining would establish some of the vetting standards, sensitivities, and accountability approaches that all subsequent programs would adopt. Although Congress had the opportunity to question and somewhat shape these early State and CIA efforts through informal monitoring, it came more fully into the bargaining with the first overt Train and Equip program, the third case study. Greater Congressional engagement brought additional concerns into the debate, and also different bargaining interests.

High-Level Bargaining over CIA Lethal Support to FSA (September 2012 – 2017)²⁴

In the classic examples of high-level bargaining or “decision games” – i.e. Allison’s (1969; 1971) analysis of the Cuban Missile crisis or Halperin’s (1971) discussion of decisions to deploy Inter-Continental Ballistic Missiles – policy principals try to persuade the President to take their preferred course of action by leveraging their own authority or relationship with the president, or by building a coalition of support among other players in the game. The debate over the authorization of CIA covert support to FSA groups presented a similar bargaining scenario, with different agency or department principals vying for President Obama’s support for arming Syrian rebels. Control mechanisms became a key tactic in prevailing in that debate, used to persuade a reluctant President and to weaken the arguments of skeptics or opponents. The prominence of risk mitigation in the initial authorization debate shaped the political guidelines for the initiative, resulting in a covert program that was studded with as many control mechanisms and accountability measures as the overt programs.

The proponents of a plan to arm Syrian rebels were in the first instance the unlikely bedfellows of the State Department and the CIA. US Secretary of State Hillary Clinton and much of the State Department had already been internally lobbying for greater US engagement in Syria (Landler 2016: 211–12). In the words of a former senior advisor, supporting the anti-Assad opposition had become a sort of “passion project” within the State Department (Interview #5, 2, 90; also Landler 2016: 211–12). Moreover, there was mounting diplomatic pressure from European allies and regional partners for the US to more aggressively enforce Obama’s August 2011 call for Assad to go (Reuters

²⁴ The start date for CIA assistance could arguably be traced to multiple points. As early as summer 2012, the CIA was providing advice and working to channel the funding and arms provided by other regional partners to certain FSA groups (Landler 2016: 217–19; Chivers and Schmitt 2013; E. Schmitt 2012). Landler (2016: 222–223) dates the presidential authorization for the program to April 2013, although most other records suggest that little in the way of planning or decision-making around it had happened before July 2013 when the intelligence committees agreed. US covert assistance did not reach the FSA until later in the fall of 2013 according to news reports. Since bargaining is crucial for this case study, this case study begins with the White House debate over covert assistance, September 2012. It ends with the effective end of assistance in early 2017. President Trump froze the program upon coming into office, and a few months later he ended it (Sanger, Schmitt, and Hubbard 2017).

2012; Clinton 2014: 461–62; Landler 2016: 215–18). However, Security Council authorization was blocked; Congress was divided on the question of US engagement in Syria; and the White House was reluctant to see the US mired in another quagmire in the Middle East (Landler and Shanker 2013; Landler 2016; Panetta and Newton 2014: 448). With Obama ruling out direct deployment of US forces, or even a no-fly zone, supporting the Syrian rebels appeared the “least bad option among many even worse alternatives,” according to Clinton (2014: 464).

The State Department, the CIA, as well as other parts of the US security establishment, were also increasingly worried about growing extremist and terrorist threats. By late 2012 *Jabhat al-Nusra* had begun to dominate the emerging landscape of armed groups in Syria. Meanwhile, the group that came to be known as ISIL was consolidating its own position and forces, and would declare its capital in Raqqa in 2013. Other more secular or non-extremist groups existed among the opposition, but most of the support being provided by the US’ regional partners – by Turkey, the UAE, Qatar, and Saudi Arabia— went to groups that ideologically identified as Islamist, some of which had links with these extremist groups (Norton 2016; Dickinson 2014).

In February 2012, then US Ambassador to Syria Robert Ford, alarmed at the strength of *Jabhat al-Nusra*, reached out to then CIA Director David Petraeus, a former counterpart from their time in Iraq, about ways to get “weapons in the hands of more moderate rebels, chiefly the Free Syrian Army,” according to journalist Mark Landler (2016: 215). By May 2012, CIA and State Department staffers were quietly coordinating about a proposal to arm Syrian rebels, notably avoiding the attention of the skeptical National Security Council (NSC) (Landler 2016: 216). Landler’s description suggests that in anticipation of White House skepticism, the plan already incorporated some controls related to how groups would be selected and trained – another example of how controls might be used to try to diffuse opposition before it happened.

Petraeus first proposed this plan (seconded by Clinton) at a September 2012 NSC meeting (Clinton 2014; Landler 2016). Obama balked. He and other White House officials argued that arming rebels had not proven effective in the past, and would have no impact on the Syria crisis (Landler 2016: 210; Panetta and Newton 2014: 449–50; Mazzetti 2014b). In addition, Obama and other White House officials worried about the downstream risks of arming Syrian rebels – that US assistance could be diverted to groups like *Jabhat al-Nusra*, that supported groups might go rogue and become terrorist groups like the Afghan *mujahedeen* had, or that the support could be used to enable abuses and civilian harm (Interview #86, Clinton 2014: 463).

The first set of objections – that arming rebels would be ineffective – could not be countered, at least not without direct US intervention. Proponents instead focused on the downstream risks, and how program implementation and control mechanisms might mitigate these concerns. Clinton (2014: 463) argued that what she and Petraeus were proposing – “responsibly training and equipping a nonextremist rebel force” – was different from dumping weapons into a volatile environment. Proponents argued that the very “real risks,” including that of funding future extremists, could be mitigated “if rebels could be vetted and trained effectively” (Clinton 2014: 461). An account of the meeting by a Senior White House official Landler interviewed suggests that the overall debate went from questions about the overall efficacy or wisdom of arming rebels to an almost technical, program-level discussion about controls and program management. Explaining why Obama rejected the plan at the time, he recounts some of the questions asked: “What would be the chain of custody the weapons would have? Who trains the people to use the weapons? Is there a command-and-control structure around these people? Or are we just dumping the weapons in?” (Landler 2016: 210). He said the proposal was rejected because there were insufficient answers to these questions, making the proposal appear “half-cooked” in Landler’s characterization (2016: 210).

A rejection based significantly on poor program design opened the possibility of winning the debate by putting forward a plan with more robust controls. In December 2012, another NSC meeting was convened to discuss arming rebels. Landler (2016: 221) notes that Petraeus’ successor, “had retooled the Petraeus plan to address Obama’s skepticism, sharpening U.S. control over the weapons” but that Obama “still wasn’t satisfied with the level of vetting for the rebels” and the plan was again not authorized, at least at the time.

Obama would later approve the same plan, in April 2013, after months of pressure from inside his Administration and from Arab partners, and then pressure to do something following evidence of Assad’s chemical weapons use (Mazzetti 2014b; Clinton 2014: 465; Panetta and Newton 2014: 450). This account suggests that while control mechanisms did not fully overcome President Obama’s reluctance to arm rebels, they helped facilitate the ultimate decision. They brought on board a wider range of allies within the Administration, ultimately, as Landler (2016: 210) notes, Obama’s entire war cabinet. They did so largely by defraying some, if not all, of the concerns about downstream risks.

Controls also played into a second round of debate on the covert support, with congressional intelligence committees. Although covert action is authorized by an executive order, it has become standard practice for the Senate and House intelligence committees to be informed of any covert action, and to be able to exercise an informal

veto. In addition, although the President could authorize the program, the funds for FSA support had to be diverted from other programming that the intelligence committees had already approved (DeYoung 2013). Thus, in the summer of 2013, the Administration floated the proposed plan to the House and Senate Intelligence committees. Press reports suggest that the congressional committees raised some of the same concerns as in the earlier White House debate, including the uncertain reputation of funded groups, and that weapons would be hard to control and protect from extremists (Sharp and Blanchard 2013: 8; DeYoung 2013; Hosenball and Stewart 2013). Administration officials rebutted these concerns with many of the same counter-arguments and control mechanisms, from weapons tracking and accounting, to vetting and scrutiny of fighters (DeYoung 2013).

Such arguments appear to have won out: the intelligence committees gave support to the plan in July 2013. CIA assistance began to flow to FSA groups in the fall of 2013. It was provided in conjunction with other international partners through two intelligence hubs, the Müsterek Operasyon Merkezi (MOM) in Turkey, and the Military Operation Center (MOC) in Jordan (Solomon 2017; Sadaki 2016; International Crisis Group 2015a: 9). Through the MOM and MOC, US assistance and support was coordinated and administered alongside that of other partner countries, including Saudi Arabia, Qatar, the United Arab Emirates, the United Kingdom, and France.

The CIA support appeared to feature a bevy of control mechanisms, to a surprising degree. Covert assistance enjoys fewer formal constraints than other DoD or DoS support, and so many of the control mechanisms embedded in law – from the Leahy law to bespoke, Syria-specific conditions imposed by Congress – would not apply to CIA support (Wall 2011; Mazzetti 2014a). Nonetheless, although in theory less constrained, the control mechanisms adopted for the CIA program appeared in some ways more extensive than those that would manifest in other overt security assistance in Syria, particularly for those individuals or groups given TOW missiles. FSA members interviewed described the vetting process as like a “job interview” or a “visa process” rather than the primarily name-based, unit-level database check for other US support programs (Interview #9, 40). It took months, not weeks.

Once vetted, oversight and scrutiny that was in some ways more extensive than the overt assistance continued. Reporter Adam Entous (2015) writes that, “Those who made the cut, earning the label ‘trusted commanders,’ signed written agreements, submitted payroll information about their fighters and detailed their battlefield strategy.” FSA factions who received TOW missiles were required to track each use, and to bring back spent casings (Mustafa 2015; Lister 2016; Entous 2015). They were regularly (often monthly) required to report to the two joint intelligence centers in Turkey and Jordan for debriefings and questioning. This might include responding to allegations of misconduct

or misuse, providing after-action reports, or providing additional video or written evidence of how TOW missiles were launched or how other operations were conducted (Interview 37; 40; 41; Entous 2016).

There appeared to be oversight, redlines, and controls related not just to the supported fighters' performance or potential security concerns, which might be expected given the CIA's mission, but also to their conduct. FSA commanders and others privy to the process said that when FSA were called before the MOM and MOC, the US and other country representatives would raise human rights and conduct issues. In at least one case, with an Aleppo-based FSA faction known colloquially as the Al-Zenki group,²⁵ support was cut in part because the group in question had violated these human rights standards (Heller 2016; Interviews #9, 11, 22, 84). One commander whose group received TOW missiles even remembered a human rights protocol or code of conduct that they had to affirm in training. When one of the groups accidentally struck a civilian target, the MOM recalled the rockets and launchers, and forced the group to reaffirm the code of conduct and receive additional training on avoiding civilian harm (Interview #40). Good conduct expectations also extended beyond questions of civilian harm. One example given concerned a northern Syrian commander named Jamal Maahruf who was effective and secular, but was passed over for US covert funding because he had "established a reputation as a warlord," and engaged in smuggling, extortion, and other questionable behavior (Sly 2015).

Given the high costs involved, it would be hard to explain these controls based purely on Principal-Agent theory. Tight vetting and weapons tracking, and the bureaucratic approach to assistance slowed the overall volume and pace of assistance, to the point where it significantly undermined the fighting capacity and potential impact of FSA (Solomon 2017; Lister 2016; Heras 2016; Entous 2015). For example, FSA would request arms, equipment, or other support for a given operation or threat and by the time it was authorized through either the MOM or MOC, the opportunity had passed, or their position had already been overrun (Interviews #9, 40) (also Entous and Malas 2013; Entous 2015). Given the supported groups' minimal results in terms of either challenging Assad or the other Syrian extremist groups dominating the opposition, Congress

²⁵ The full name of the group was Harakat Nour ad-Din az-Zenki, or the Nour al-Din al-Zenki Movement, named after a historical 12th century figure Nour ad-Din az-Zenki. The degree to which the battalion was considered an independent group varied as the group tried to or successfully merged with several other groups from 2014 to 2017. The name of the group changed in response to these various mergers, but the group tended to still be known as the Al-Zenki group.

repeatedly questioned whether the program was worth the \$1 billion per year price tag (Miller and DeYoung 2015).

There were also opportunity costs in terms of whom the US could partner with. In a context in which a large share of the opposition self-identified as Islamic resistance to some degree, the tight vetting and stigma against cooperation with any “Islamist” group eliminated many potentially productive partners (Interviews #22, 84, 8, 27). The additional criteria related to good conduct might have further winnowed down the number of potential partners. Pointing to the example above of excluding Jamal Maahrouf, Syria analyst Nick Heras, argued, “Here’s a guy who would have fit the 1980s playbook [of US covert support] but he didn’t make it in this iteration” because of greater concern under the Obama Administration over who they were funding (Interview #22).

Moreover, for these heightened costs, there was little evidence that the controls delivered significant dividends in terms of neutralizing the risks in question. Extensive weapons tracking and missile casing collection perhaps kept some greater hold over US-provided arms but as one White House advisor observed, in the Syria environment, “inevitably weapons would go astray – and they did. [It is] impossible to say how many” (Interview #86). All of the extensive vetting, interviews, and other reporting and intelligence gathering provided some greater degree of information but not enough to enforce redlines credibly and consistently. One advisor who worked with US and other country deliberations in the MOC observed that they would get information that a group had cooperated with a banned group, passed weapons on, or committed other infractions, but given the still largely remote management of the force, it was “hard to vet whether the allegation had occurred” (Interview #6). In addition, he noted that “in Syria where you had such a great number of local actors, and such a wide spread of potential backers,” it became “much messier” and harder to manage these relationships effectively (Interview #6). Such observations recall the expectations of Principal-Agent theory that environments involving multiple patrons, or where the complexity of principal-agent dynamics make information harder to come by, result in weaker results from controls. In essence all the costs and barriers that Principal-Agent theory expects would deter principals from imposing controls were there, but extensive control mechanisms still manifested.

Nor was it possible to fully justify the many control mechanisms by virtue of other benefits, for example additional intelligence gains, that would outweigh their costs. Some of these controls, such as the information gathering that took place as part of FSA oversight and questioning, no doubt contributed to other intelligence gathering. However, questioning FSA commanders about the conduct of those in their group, or of other FSA groups certainly did not advance that. Nor would instances of withdrawing

TOW missiles from groups deemed to merit them on the basis of civilian harm. Instead, these conduct-based controls appeared to flow from the heightened attention to risk mitigation from the authorization debate onward. Public comments and interview observations support the idea of a link between the political directives or tone set in the authorizing debate and controls that were adopted. In reporting on how tight weapons tracking hampered the program, Entous (2015) quotes a senior administration official's rebuttal that tight controls were necessary because: "This was consistent with the administration's legal responsibilities and strongly held views in Congress." It may be that these controls were mandated in the executive order or that CIA officials simply internalized these as the expectations for the program. Interviewees who would have had knowledge of the classified program refrained from commenting directly. However, they noted that in general when the CIA are given requirements and restrictions as part of their political directives, they follow them strictly (Interviews #86, 11).

In conclusion, the accounts of the White House debates and the Intelligence Committee review suggest an important role for control mechanisms in bargaining and negotiation around this controversial proposal. More controls were added or existing ones reinforced as the debate went on in order to rebut criticisms and win broader support for the proposal. The description of how Obama eventually agreed to the program suggests that control mechanisms were not fully persuasive in themselves. It took additional pressure internally, from allies, and then finally the tipping factor of the need to do something after Assad's use of chemical weapons. However, the account of how this debate transpired – with the technical details of how to control and manage the program coming to the fore in assuaging overall concern with this initiative – illustrate how control mechanisms softened the path toward authorization. A second important point is the way that this debate then shaped the CIA's deployment of extensive controls, even though these were not legally required and would create significant trade-offs in terms of program effectiveness. A trickle-down effect from the heavily risk-focused authorization debate offers a more potent explanation for why extensive controls manifested than the factors suggested by Principal-Agent theory.

Lower-Level and Iterative Bargaining over CSO Non-Lethal Assistance (fall 2012 – end 2014)²⁶

A similar sort of political bargaining preceded the CIA debate, but at a lower level and with a different part of the bureaucracy. Before the CIA was authorized to provide

²⁶ The US committed to provide greater non-lethal assistance, including to the FSA, at an April 2012 Friends of Syria conference, but the public announcement to actually deliver on that promise, and evidence of FSA assistance, only came in February 2013 (Gearan and DeYoung 2013). The start date for this case study begins

lethal support, the State Department, via its Bureau for Conflict and Stabilization Operations (CSO), was providing non-lethal assistance to select FSA groups. While BPA is more often used to understand higher-level bargaining between policy principals, the same sort of stand-sit positions and bargaining dynamics could determine the outcome of lower-level bureaucratic decision-making. The Syria non-lethal assistance provides an illustration of this lower-level bargaining, and suggests that in a controversial program like support to rebel fighters, the continuous and more iterative bargaining generated even more opportunities for control mechanisms to be erected or reinforced.

In late spring 2012, US public commitments to increase support for Syrian opposition raised the question of expanding non-lethal assistance to a wider swath of the opposition, including both unarmed police and the FSA. The proposal triggered substantial internal objections and debate, many in line with what BPA might frame as the “stand-sit” positions of different State Department stakeholders (Allison and Halperin 1972: 51–54; Alden and Aran 2012: 32–33; Halperin 1971: 72–74). CSO was a strong proponent: they saw it as an opportunity to expand their still-new mandate of stabilization operations, and after an internal competition, won approval to lead the Syrian non-lethal assistance within the State Department (Interview #131). However, other State Department officials and bureaus were more circumspect. The Office of Legal Affairs at the State Department was highly vocal about the legal risks and liabilities; the Bureau of Democracy, Human Rights and Labor (DRL), which has primary responsibility for seeing the Leahy law enforced, worried about abuses committed by supported groups or individuals; the Syria desk and the Bureau of Near Eastern Affairs (NEA) were concerned that the assistance might fall into the hands of groups like *Jabhat al-Nusra* and ISIL, and only further enable their expansion (Interviews #103, 83; also Landler 2016: 224). There were also bureaucratic objections from non-State Department stakeholders. White House staff and Congressional committees both brought a skeptical view to any Syria assistance, but particularly anything as controversial as aid to Syrian rebels. Through congressional and executive oversight, they would regularly interrogate State Department officials about the range of risks involved, and what was being done to manage or mitigate them.

with the internal deliberations within the State Department, which began generally for all non-lethal assistance in summer 2012, and by fall 2012 had progressed to the question of expanding support to armed opposition, according to interviewees. On the end date for this case study, State Department non-lethal assistance, including limited support to armed opposition groups, continued beyond the end of 2014, but CSO involvement in it ceased. In early 2015, CSO handed over all of its Syria nonlethal assistance programs to the Bureau for Near Eastern Affairs (NEA)(Office of Audits 2016). NEA based its procedures on CSO’s vetting protocols and risk mitigation measures, but also adopted its own interpretations (Office of Audits 2016: 6). This case study will keep to the period of CSO management.

Both at the inception of the program, and with each stage of program expansion or evolution, CSO needed to win or maintain the buy-in of these different bureaucratic actors. Because so many of these stand-sit positions invoked a particular set of risks, CSO frequently relied on control mechanisms to do so. At the start there was a risk assessment document, which outlined a range of oversight and risk mitigation measures in response the concerns raised by different stakeholders (Interviews #103, 20). This included controls like tracking or accounting designed to reduce the risk of any assistance or materiel being (knowingly) transferred to banned or dangerous groups; vetting, oversight and sanctions designed to deter or stop funding to those who engaged in abuses or atrocities; as well as monitoring and reporting checks designed to safeguard against or detect corruption or other misuse of funds (Office of Audits 2016: 33; 2015). Outlining and proposing such measures was a way of rebutting the critique that this type of assistance was not feasible, or at least not feasible to implement with any basic accountability. Given that the key stakeholders outlined above had to sign off on this risk assessment, it was crucial for winning enough internal buy-in for the programming to go forward.

A particularly interesting decision within this risk mitigation approach was to develop and apply a “Leahy-like” human rights-based vetting criteria and process. As noted, the Leahy Law prevents State Department funds from going to foreign forces deemed to have committed Gross Violations of Human Rights. To do so, individuals or units set to receive State Department or DoD funding must be vetted against a global database of abuses maintained by DRL; where derogatory information is found (and deemed “credible”) the individual or units are “blocked” from funding. This can happen either in the initial vetting process or if credible allegations are subsequently found. The State Department determined early on that the Leahy Law obligations did not formally apply to Syrian opposition forces. In part this was because the type of emergency and contingency funding used for non-lethal assistance relied on presidential emergency authority and could be used notwithstanding other standing provisions of law (Sharp and Blanchard 2013: 20–22; Blanchard, Humud, and Nikitin 2014). In addition, since the Leahy law applies to forces of a foreign country, it was deemed inapplicable to non-state actors working in opposition to the foreign state (Syria in this case)(Sharp and Blanchard 2013: 20–22; Byman 2016: 25).

The fact that the State Department decided to develop its own “Leahy-like” process of vetting and blocks despite that it was not required is notable because these were incredibly costly control mechanisms in terms of staff time and resources. Application of the Leahy Law is normally a time-consuming process, and has a proven track record of ineffectiveness, in part due to under-implementation but also because of the difficulty of capturing and preventing human rights abuses through a name check

(often of foreign names that can be variously transliterated into English) against a database managed in Washington, DC (GAO 2013; McNerney et al. 2017; Mahanty 2017). Thus, already, from a Principal-Agent standpoint, this was a control mechanism that might be viewed as highly costly and minimally effective at achieving control or deterring the slack in question. These costs and challenges were even higher in the Syria context because CSO would not even be able to rely on the existing DRL database, but would have to build one from scratch. There also was almost no information on any of the Syrian groups, so CSO would have to expend significant staff time and resources gathering information for vetting purposes. In an environment that changed as rapidly as Syria, it was a virtually constant cycle of commissioning research, and triangulating evidence. Vetting was initially estimated to take 10 days but eventually stretched to several weeks as the process went on. Given short funding cycles, groups and recipients had to be re-vetted every few months, and the process repeated.

It would be very hard to justify such costs from a Principal-Agent perspective, but from an internal bargaining and public management perspective, these processes were invaluable. The promise to do a Leahy-like vetting provided a response to the internal skeptics, particularly in DRL and the Office of Legal Affairs, who were concerned about US funds going to those who had perpetrated human rights abuses. While CSO reiterated that no vetting was perfect, this at least was a due diligence measure that the State Department broadly deemed acceptable for responding to that risk. It also was a way to forestall or satisfy Congressional objections: one staff noted that given that Congress had ratified and even expanded the Leahy law for more than a decade, it demonstrated a clear “Congressional intent” that this was the sort of due diligence approach to security assistance that they expected (Interview #24).

The vetting process, and the general information gathering and monitoring and oversight that surrounded it, were also part of CSO’s strategy for building credibility, which would give them leverage in future intra-bureaucratic debates and allow them to expand the type and amount of assistance. CSO staff said they started with less controversial types of programming assistance – for example humanitarian supplies to civil society – and used the evidence that they could account for material and track whom they were funding within these less controversial initiatives in order to “build trust” with other players in the State Department (Interview #24). It was a proof-of-concept exercise to demonstrate to others within the bureaucracy that the risks in Syria assistance could be managed. When CSO proposed expanding non-lethal assistance to *armed* actors, it provoked another internal standoff, but CSO was able to prevail in large part by pointing to the existing processes and record of controls (Interviews #4, 24).

This process of trust-building, and anticipating the next round of bargaining or bureaucratic contestation, was important because the non-lethal assistance was part of an iterative and continuous bargaining process. The bargaining that took place in the implementation phase could be re-opened with each program development or expansion. This was particularly likely in the case of the non-lethal assistance due both to the structure of funding and the nature of the Syria policy environment. The emergency and contingency funding came in spurts, with the possibility of more questions, countered by more risk mitigation, each time funds had to be sought. The Syria funds were also subject to Congressional notification, creating a regular cycle of reporting to Congress with each significant step in implementation. CSO staff frequently relied on the control and accountability mechanisms that existed, or promises to reinforce or more stringently apply them, to forestall the threat of Congressional “holds” or blocks on funding through these notification processes (Interviews #103, 131).

This sort of iterative bargaining, in a program that was high-profile and controversial, led to a ratcheting up of control mechanisms over time. Internal debates were sparked every time a report surfaced of assistance going astray, of FSA affiliating with blocked groups or of engaging in misconduct (Interviews #2, 4, 20, 24, 88, 90, 103, 105). When this happened, staff would frequently soothe objections or threats to cut the program by redoubling efforts to demonstrate accountability. Vetting went from an informal, 10-day vetting process to what State Department staff internally referred to as “double” or even “triple” vetting, lasting multiple weeks and involving re-checking and re-vetting persons even if no derogatory information was found (Interviews #2, 105). At DRL’s request, the Leahy-like vetting was codified from a regular but informal process into a formal protocol (Interviews #103, 105). The application of sanctions also increased. There was such a degree of attention to any reports of misconduct or transgression of redlines that staff involved said that it was easier to enforce sanctions and cut the questionable group from funding than to fight the certain bureaucratic opposition to continuing to support them (Interviews #4, 24).²⁷

In summary, bargaining was not only very much present in the non-lethal assistance, but in ways that would increase and reinforce controls over time. Control

²⁷ Although the fact that sanctions were applied, and frequently, is supported by multiple interviews, there was also a counterview among some US officials that based on the supposed standards and redlines, even more should have been cut. One former official argued that there was a sort of bureaucratic “pathology” and attachment to the Syrian cause within the State Department that led to groups being funded even when they had clearly transgressed redlines (Interview #5). Another argued that because of this attachment to the Syrian cause, “There was climate of not tolerating criticism of the opposition,” which led to a much lower enforcement of sanctions than should have been the case (Interview #90).

mechanisms were established to counter critics' fears about support to Syrian opposition, to build trust, and persuade a partly reluctant bureaucracy that the risks could be mitigated and managed. However, unlike with the high-level decision-making moment, it was not a one-off debate. Each time there was a new request for funding, an expansion of assistance, or news reports of assistance going awry or of a supported group's alleged transgression, it prompted renewed debate over the riskiness of the endeavor, which led to ever more stringent controls.

Inter-Branch Bargaining and Controls in Crafting the New Syrian Force (summer 2014 – October 2015)

A last important perspective on bargaining comes from the first Train and Equip program, which was known internally as the New Syrian Forces.²⁸ Congress had provided some input into the prior CIA and State Department initiatives, through classified intelligence committee review, and regular congressional reporting, respectively. However, with the Train and Equip programs, Congress held even greater leverage, as it was asked to create a new line of funding and had the opportunity to legislate formal constraints on that funding, or to extract informal concessions through its deliberations with the Obama Administration.

Both President Obama and many members of Congress had long opposed overt support to Syrian opposition (Blanchard and Belasco 2015: 2). But when ISIL seized Mosul and much of northern and central Iraq in June 2014, the pressure for a ground partner in both Syria and Iraq suddenly became a much more significant political imperative. In June 2014, President Obama requested funding for *overt* military training and support to “vetted” Syrian opposition forces, alongside additional train and equip authorities in Iraq (Blanchard and Belasco 2015: 2–3). Shortly thereafter, in August 2014, a video of ISIL militants beheading the kidnapped American journalist James Foley appeared on YouTube. The military leader who would be charged with leading the New Syrian Forces program, Maj. Gen. Mike Nagata, argued these events focused the minds of both Congressmen and women, and of those in the Administration (Interview #135). Yet, with still no political tolerance for US forces on the ground, or even substantial air operations, all that was left was to fund Syrian fighters to counter ISIL. It was a proposal that no one liked, that seemed unlikely to work, and was heavy with risks. But it was the only option for doing something, on a policy priority that could not be ignored.

²⁸ The program was more commonly known as the Train and Equip program or the program to train “moderate” rebels, but to avoid confusion with later iterations of the “Train and Equip” program or the controversial term of “moderate” rebels, the internal program name New Syrian Forces will be used.

Although the program was in many respects the boldest and most ambitious US intervention yet in Syria, it was loaded with an extreme level of risk avoidance and aversion. Even once authorized in September 2014, arming Syrian rebels remained so controversial and unpopular that there was almost no tolerance for it to generate costs or consequences. As Nagata would later characterize the US position, “We appeared to be seeking maximalist results for minimalist investments. Our policy goal was to defeat an ISIS army that was orders of magnitude more capable, proficient and much better armed and led than AQI ever was, but with considerable restraints” (Interview #135).

This filtered down into an even wider panoply of control mechanisms. The Train and Equip programs would inherit many of the control mechanisms generated in prior debates and program decisions – from the decision to do a “Leahy-like” vetting, to commitments for scrutinizing and rejecting those with questionable affiliations or an Islamist profile (Interview #83). DoD also added on its own standard practices and control mechanisms. DoD trainers would directly take part in the training of Syrian forces in Turkey and Jordan, and would apply the sort of training that is usually provided in DoD security assistance, and incumbent on a professionalized force: a full “law of land warfare” curriculum, as well as general human rights principles and other standard elements of DoD practice and policy in partner security assistance (Interview #135)(Wright and Ewing 2015; Ryan and Miller 2015; Office of the Inspector General 2015). Also because of the physical proximity of US and allied states’ trainers, vetting would further scrutinize for personal security risks, which did result in some recruits being rejected (Wright and Ewing 2015).

Some of these controls reflected standard bureaucratic practices and instincts (a point that will be discussed in the last section). Others, like the Leahy-like vetting, appeared to be driven by inter-bureaucratic considerations. For example, like CSO before it, DoD would consult with DRL and other State Department officials on their vetting protocols and training, in particular the adoption of Leahy-like vetting (Interview #83). While no doubt in part to gain their feedback and insights from past program experience, such consultation was also motivated by a need to forestall bureaucratic roadblocks.

Many of these controls were developed to respond to Congressional concerns and demands, what might be considered part of inter-branch bargaining. During the Congressional deliberations and inquiry leading up to the programs’ authorization, Lt. Gen. Nagata remembered being pressed on how the program would prevent Syrian fighters from engaging in atrocities or abuses, and how they would guarantee that US weapons would not fall in the hands of *Jabhat al-Nusra* or ISIL (Interview #135). Although he argued that it was no substitute for having troops co-deployed into Syria with the recruited and trained forces, the next best risk mitigation approach was that they would

be given formal “Law of Land Warfare” training, and that they would establish some kind of monitoring and oversight regime, to track both “behavior and accountability of weapons and material provided to these forces” at a distance (Interview #135).²⁹

Senior Obama officials’ Congressional testimony in the debates leading up to program authorization also reflect this back-and-forth bargaining between the Executive Branch and Congressmen (Weisman 2014). In a September 2014 Senate Armed Services Committee (2014b: 9) hearing, Secretary of Defense Chuck Hagel responded to concerns about the risks of arming Syrian rebels as follows:

A rigorous vetting process will be critical to the success of this program. DoD will work closely with the State Department, the intelligence community, and our partners in the region to screen and vet the forces we train and equip. We will monitor them closely to ensure that weapons do not fall into the hands of radical elements of the opposition, ISIL, the Syrian regime, or other extremist groups.

In other testimony, senior officials further reinforced these rebuttals by noting past experience with such risk mitigation and controls, both in the prior Syrian assistance programs and in other countries like Afghanistan – an indication of some degree of policy transfer (U.S. Senate 2014b: 32–33).

Congress ultimately accepted these reassurances to some degree, but it also encoded many of the promised control mechanisms in the authorizing legislation, to a degree that is unusual for security assistance programming. The authorizing legislation within the NDAA FY2015 (sec. 1209(e)(1)), stipulated that all supported Syrian opposition groups were to be screened for affiliation with terrorist groups, Iranian groups, Shi’a militias or the Assad regime. In addition, “appropriate vetting” under the law was defined as requiring “a commitment from such elements, groups, and individuals to promoting the respect for human rights and the rule of law” (*ibid*, section 1209 (e)(2)).

However, while Congress certainly contributed to the detailed and multi-faceted control mechanisms for Syrian fighters, it was more concerned about the larger political and strategic risks of the program than about what funded fighters might do on the ground. The arguments against the program were wide ranging, with some congressmen arguing it did too little, and would be insufficient to address the ISIL threat, while others argued that it went too far, and would lead to a slippery slope toward deeper engagement (Weisman 2014; U.S. Senate 2014b; O’Keefe and Kane 2014). From the Congressional

²⁹ On the latter, an additional control that was planned was to have regular accounting for US-provided weapons, communication devices or other equipment that New Syria Force members took with them back into Syria. This was envisioned to be through call-ins, requiring photographs of equipment, or other remote reporting measures (Interview #135).

perspective, this was the first major use of force authorization they had been asked to deliver since the 2002 vote to authorize the Iraq war. It would again bring US troops into Iraq, as well as military engagement in Syria, which the majority of Congressmen opposed. Many voiced concerns that the Obama Administration would use the authorization for military force as an authorization for broader engagement.

Such big picture considerations were reflected in the number and nature of conditions imposed in the funding legislation. This included demanding annual reporting on how the train and equip efforts contributed to the overall strategy against ISIL and in Syria, regular reporting on progress and any shortfalls, and one condition that would prove to be the largest roadblock to the program's success (Interviews #21, 89, 92; Weisman 2014). Because of the slippery slope concerns, Congress insisted that the assistance be used for those fighting ISIL, not Assad. The administration's initial request for \$500 million to train and equip forces in Syria and Iraq in 2014 had left room for anti-Assad efforts to also be supported. It included an articulated need to train Syrian fighters for the purposes of "defending the Syrian people from attacks by the Syrian regime, facilitating the provision of essential services, and stabilizing territory controlled by the opposition;" as well as "promoting the conditions for a negotiated settlement to end the conflict in Syria" (Blanchard and Belasco 2015: 2). However, Congress broadly rejected the anti-Assad motivations. It kept only the last provision on promoting conditions for a negotiated settlement, and required that any supported fighters commit to fight only ISIL and not Assad (Ibid., 3). In implementation, candidates for the New Syrian Force would be required to pledge to only fight ISIL and not Assad, and those who "expressed a desire to fight Assad" rather than ISIL were sent home in training (Ryan and Miller 2015; Appendix C in Office of the Inspector General 2015: 20–21).

The restriction to support only those who would commit to fight ISIL rather than Assad proved to be the most significant hurdle to the program's success (Interviews #5, 6, 84). With this restriction, the numbers recruited and trained were in the dozens, not the thousands. Most of those were attacked or decamped upon re-entry to Syria, and their US-provided equipment fell in the hands of *Jabhat al-Nusra* and other stronger groups (Blanchard, Humud, and Nikitin 2015: 22–23; Wright 2015). However, the disappointing numbers were primarily due to the anti-ISIL fighting restriction, but other strict vetting and criteria also contributed (Wright and Ewing 2015; Ryan, DeYoung, and Whitlock 2015). Within a year, the program was considered a failure and the Obama Administration requested to repurpose the funds, which would then be used for the subsequent Train and Equip approaches, described in the subsequent section.

Taking the consensus view that, "vetting killed this program" (as one former State Department official bluntly put it) the costs of control mechanisms for the New Syrian

Forces program were extraordinary (Interview #5). By summer 2015, with at least half of the \$500 million expended, only “four or five” trained fighters remained in the fight, according to senior Pentagon leaders (Ackerman, 2015; Blanchard, Humud and Nikitin, 2015: 23). Such enormous costs would appear beyond the bounds of any Principal-Agent theory explanation, but are readily understandable in light of the bargaining dynamics surrounding the program. The control mechanisms in the New Syrian Force appeared to be generated from a snowballing of multiple institutions or actors’ risk profiles and controls. One senior Congressional staff member involved in drafting the NDAA legislation characterized the back-and-forth bargaining and resulting legislation as follows:

There was the broader policy dynamic of the administration not willing to fund more decisive efforts against Assad, and we [Congress] were only willing to fund [against] ISIS. Then within the legislative branch, you had the sausage-making of Congress, so they [individual Congressmen/committees] keep adding additional conditions ...Then you had traditional executive branch restrictions and requirements, congressional restrictions on when you can use these authorities. (Interview #92)

In essence, once this very controversial idea of arming opposition forces made it to an open public debate, the only way that it survived authorization was by addressing the concerns of every key player in the policy process, whether big picture strategic concerns or concerns about downstream risks. These collective caveats and constraints, which tended to manifest as control mechanisms, facilitated the compromise that was necessary for the program to be authorized, but functionally they limited the program to the point of uselessness.

A last point to consider on this case study is the range of tactics and motivations on display with the various controls. The Administration used control mechanisms as a way to rebut critiques and encourage more Congressmen to support the initiative despite concerns about weapons flowing to the wrong fighters, the risk of abuses, or of misappropriation of funds. Congress accepted these control mechanisms and encoded many of them in legislation. However, it also proposed its own control mechanisms, which it used to address what it saw as the larger concerns with the program – that the program would be used to pursue further action against Assad, a foreign policy aim that neither political party fully endorsed and that also triggered concerns about unconstrained presidential war powers. Using control mechanisms in this way is less a case of rebutting critiques and bringing along skeptics, than of setting outer limits or constraints on the program. Given the pressure to confront ISIL and the consensus against extensive US ground forces, supporting Syrian forces had a virtually unstoppable level of policy momentum. Those who thought it was risky or doomed to fail were unlikely to be able to stop the program. The best they could do was to insert control mechanisms that would

prevent funding from being used in ways that they thought were most dangerous, as part of a slippery slope toward greater military intervention against Assad.

In addition, there is a bit of double-play going on with the New Syrian Forces, with some officials interviewed suggesting it was not just the nominal opponents and critics (Congress) using controls to limit the program, but also the Administration itself. There was a “deep ambivalence” within the Administration about funding opposition forces given both the risks surrounding these forces, and the fear that even if they succeeded, it might produce even worse outcomes (Interviews #6, also 84, 86). As RAND analyst Jeff Martini described it, “There was a fear of ‘catastrophic success’ – what if you roll back ISIS too quickly with no one to hold it after they leave? Or what if Assad is toppled but what comes after is worse?” (Interview #23). One former official said in his personal view the “Train and Equip [program] is a ruse for inaction – the people who backed the Train and Equip lawyered it up to the point of oblivion...and teed it up to fail. It was a way to stop it. You can blame it [failure in Syria] on the un-vettable entities instead of blaming our own inertia or lack of action” (Interview #105). The policy momentum had prodded a reluctant Obama and the other skeptics in his Administration to support ground action in Syria, but they ensured that it had enough limitations and controls on it that the biggest risks – of catastrophic success – would not materialize.

Conclusions on Intra-US Government Bargaining

The first three iterations of support to Syrian forces illustrated important bargaining dynamics among US players, between high-level principals within the Executive Branch, inside the bureaucracy, and also between Congress and the Executive Branch. The way that these different players used control mechanisms was similar to the tactics discussed in the prior chapters: players used controls to defray critics or build a coalition, or alternately to limit or constrain certain elements or aspects of these programs. In addition, the evidence of controls linked to bargaining positions and tactics provides evidence in response to the larger puzzle of this chapter (and of this thesis): what drove the numerous control mechanisms in a context in which they were not legally required, and were both costly and unlikely to work. There were strongly held and opposing views on whether and how the US should intervene in Syria both within the Executive Branch, within Congress, and within the wider US foreign policy establishment. These starkly divided and strongly held views generated significant competition among different organizations and players within and across US policymaking when any Syria policy issue arose. Proposals to support opposition groups – particularly armed opposition – were a lightning rod, and generated bureaucratic and policy resistance and competition with each new iteration or type of support. Control mechanisms emerged in response as part of different players’ tactics and interests. Collectively, these controls helped facilitate

a larger compromise between competing views, addressing enough of the reservations of skeptics to allow the programs to go forward. This idea of control mechanisms as a means of facilitating a compromise is a point that will be taken up in the subsequent subsection on bargaining vis-à-vis external actors, and also in subsequent chapters.

Influence of External Actors: Players versus Influencers

The discussion has so far focused on intra-US bargaining; however, as the Iraq and Afghanistan case studies illustrated, a range of external actors may also influence US decision-making surrounding LHSFs. This was also the case for US support to armed groups in Syria, with regional allies like Turkey or Jordan; diplomats or representatives of other donor countries (e.g., a number of Gulf countries, as well as NATO partners like the UK, Denmark, or France); NGOs, and civil society groups or activists; the media, and even the LHSFs themselves, all part of the policy arena.

Chapter II introduced the idea that non-US government actors might influence US foreign policy outputs through different or means of influence. One pathway might be as direct participants or co-participants in bargaining, as illustrated by Maliki's and Karzai's roles in the *sahwa* and ALP bargaining. Alternately, external actors might play a more indirect role, influencing the parameters of debate or informally or indirectly influencing the decision of bargaining players, as was illustrated by some of the other players in the ALP case, including NGOs, the UN and other European diplomats.

Similar dynamics and differentiation in types of external influence can be seen in the way that external actors shaped US support to Syrian armed groups. In the three case studies discussed so far – lethal and non-lethal assistance to select FSA groups and the first Train and Equip program – this external influence might be characterized as more indirect or informal. Substantial reporting and documentation of atrocities by NGOs, journalists, civil society organizations, and Syrian activists were the “stimuli” (Allison 1969: 63) that prompted a debate, and helped focus attention on the risks in question (Meyer, Sangar, and Michaels 2018; Doucet 2018; Roca 2017). US officials involved in Syria policy frequently referenced this overall atmosphere of media pressure and fear of public exposure in discussing the motivation for many of the controls and safeguards adopted (Interviews #2, 11, 20, 86, 98). The pressure to adopt some form of human rights vetting and sanctions across all of the programs discussed so far, even though not legally required, was at least partially attributable to the public tone set by this documentation and advocacy. As such, these external actors shaped the internal bargaining in two ways: 1) they called the question, and forced some attention to human rights concerns; 2) they shaped the parameters of the debate by identifying the risks that must be countered or mitigated to respond to these public pressures.

NGO, civil society and other external actors also shaped how control mechanisms were applied through information gathering and advocacy. Public reporting, documentation and evidence by external actors provided much of the base of information that enabled or determined how controls like vetting, sanctions, or other scrutiny devolved (Interviews #91, 24, 10). Media reports and NGO or civil society advocacy even directly led to the sanctioning of particular groups in some instances. For example, there was prominent media coverage of the war crimes by the al-Zenki group, and at least one Amnesty International report singled out his group as the sort of actor that the US should not be funding (Heller 2016; Amnesty International 2015). The condemnation reinforced existing skepticism about this group, and other reporting suggests it also led the MOM to close off what were then-ongoing discussions about renewing funding to the al-Zenki group (Heller 2016).

The role of foreign partners, as well as other civil society or non-governmental organizations, can also be seen in the implementation choices. The literature on foreign policy implementation holds that choices made in the course of implementing a policy are as important as the initial bargaining moment, and that these implementation decisions can involve bargaining from a wider ambit of external actors and partners, from other states, to international organizations, to non-governmental or private sector actors involved in the actual implementation (Brighi and Hill 2008; Clarke and Smith 1989; Schroeder and Friesendorf 2009). Particularly because of the lack of access to territory, the FSA assistance was substantially implemented by a range of partners on the ground. So-called “implementing organizations” were contracted to deliver assistance, including by applying the applicable regulations and controls. They conducted the monitoring and collected information, which would significantly determine whether groups were accepted or alternately, sanctioned and cut (Interviews #91, 7, 10, 36).

The FSA assistance – both the nonlethal assistance and the CIA support – was also implemented in cooperation with other donor states. The State Department managed its Syria assistance writ large (including but not limited to that to armed opposition) alongside other Western donors, including the United Kingdom, the Netherlands, Canada, Denmark, and Germany. At least for certain elements of the assistance, the degree of cooperation was close enough to resemble co-decision-making. One prominent example was coordination over the Free Syria Police, the unarmed counterparts of the FSA. Through a Steering Committee in Istanbul these six donors triangulated and pooled information, including that used as a basis for vetting recipients, and also developed common positions and redlines that would influence the de facto standards applicable to supported groups and when sanctions were applied (Policy and Operations Evaluation Department 2018: 21, 26–27; Interviews #36, 42, 91, 7, 8, 10, 103). The State Department

nonlethal assistance to FSA was managed outside this collaborative Steering Committee process because except for the United Kingdom and Denmark, the other countries would not provide overt, non-lethal assistance to *armed* Syrian opposition. Nonetheless, the same vetting standards and redlines tended to be applied across all US non-lethal support, whether to armed or unarmed opposition groups (Interviews #24, 36). As such, other countries' determinations and positions shaped how criteria underlying control mechanisms were applied, and to whom. These countries were not at the bargaining table, but they were at the implementing table, so to speak.

Foreign state representatives also indirectly influenced controls in CIA lethal support to the FSA, through similar consultation and implementation pathways. CIA support was delivered via two operational hubs, the MOM in Turkey, and the MOC in Jordan. These hubs coordinated not only US assistance to the FSA but also any weapons, salaries, equipment, or tactical support or intelligence contributed by other members including Saudi Arabia, Qatar, the United Arab Emirates, the United Kingdom, France (and possibly briefly Italy), as well as the host nations Turkey and Jordan. The MOM and MOC countries made collective funding decisions, jointly questioned FSA members about operational plans or allegations of misconduct or abuse, and decided when FSA had crossed redlines and should be blocked from funding (Heller 2016; Lister 2016; International Crisis Group 2015a: 9). It was a classic case of collaborative decision-making in the course of implementation, similar to that of the Steering Committee for non-lethal assistance, but within an even more institutionalized structure, and with other countries even more directly having a say over the implementation of CIA checks on FSA.

One counter might be that although these other countries sat at the literal (not just figurative) table with US intelligence representatives, the US would still have decisive influence on the collective decisions. This certainly was the case. For example, one FSA representative said that once the US decided not to fund a particular group, all other funding also stops, because of fears of US retaliation if one partner is perceived as supporting a blocked group: "Even though 70 percent of the money for weapons, if not more, comes out of Saudi, Qatar, Emirates and Turkey, the decision of who to fund and whether to keep funding largely tracks US [decisions]" (Interview #9). However, one might find a more decisive US role and still see an influence for other states sitting within this sort of collaborative structure. Past studies of coalition dynamics have suggested that it is just these sort of regular institutionalized processes of consultation, joint decision-making and standard-setting that allow junior partners to shape US decisions even when the formal balance of power and decision-making is unequal (Risse-Kappen 1995a; O. Schmitt 2019; Byman and Waxman 2002). Moreover, those who took part in or otherwise observed or interacted with the MOM and MOC noticed distinct differences in the type

of groups funded and the way they were managed, which they attributed to the differing attitudes and influence of the host states, Turkey and Jordan (Interviews #6, 84, 98)(International Crisis Group 2015a: 3). Such theories and evidence suggest that while these other countries may not have controlled US decisions on whom to fund, they certainly would have influenced the way that this collaborative body interpreted information, and used that to apply controls. They might for example contribute to the determination of whether a redline was crossed, which groups should be brought in for questioning, or other choices that affected the way that control mechanisms were applied, at least as much as any top-down political decisions in Washington, DC.

The forgoing analysis suggests an important role for external actors in shaping the drivers or prompts that led to control mechanisms, and also the way that they were implemented. However, these were still largely indirect pathways of influence. To revisit a situation where foreign actors might be viewed as sitting directly at the bargaining table, we will turn to the last two case studies, two subsequent iterations of the Train and Equip programing that devolved from 2015 to 2019.³⁰ For these two case studies, the US-LHSF relationship invoked a degree of internal bargaining and engagement with Congress, but they were much more marked by bargaining with two external actors, Turkey and the LHSF itself, the Syrian Democratic Forces. As such, these case studies invoke the sort of direct external engagement in bargaining illustrated with the Iraq and Afghan governments in the prior case studies. Because the bargaining with Turkey ran across both iterations, the subsequent discussion will be divided by the bargaining actor rather than by program, first discussing the deliberations with Turkey, then with the SDF.

Bargaining with Turkey over Train and Equip Programs: A Failed Persuasion Campaign (October 2015 – 2019)³¹

Given the apparent failure of the New Syrian Force, in October 2015 the Obama Administration requested that Congress repurpose the Train and Equip funds; rather than forming, training, and funding a new anti-ISIL force, the funds would help train and support existing groups fighting ISIL inside Syria (Shear, Cooper, and Schmitt 2015; Blanchard and Belasco 2015; Ryan, DeYoung, and Whitlock 2015). The question then became which fighters to work with and how to identify them given continuing restrictions on US forces operating in Syria. Turkey not only had the territorial proximity to supply and train the fighters, but also claimed that it had ties with enough northern

³⁰ The Train and Equip funds were also used in other partnerships in Syria, for example to support US tribal partners around al-Tanf in southern Syria, an initiative that continued as of the time of writing.

³¹ The time period for this case study includes US-Turkish bargaining over both the joint support to northern Syrian Arab groups, which had largely petered out by late 2016, and over the SDF.

Syrian groups to raise a substantial force (Interviews #86, 5, 90, 105). Moreover, Turkey had already played a role in implementing the first Train and Equip program. By summer 2015, it had helped train a few dozen fighters and facilitated their re-deployment into Syria (Barkcin 2015). In December 2015, Turkey agreed to allow (at least initially) some 2,000 fighters to be trained in Turkish territory, and then to support their re-entry into Syria (Entous 2014).

However, Turkey's interests were substantially different from those of the US, and from the motivations underlying the Train and Equip program. Since at least September 2011 Turkey had been arguing for more substantial US engagement on the anti-Assad side of the conflict, including targeting the Assad regime and pressuring for some form of buffer or no-fly zone, at least as far south as Aleppo (C. Phillips 2012; A. Stein 2014). An even more significant divergence was that Turkey's primary interest in engaging with the Train and Equip program was to prevent the US from supporting Kurdish forces. In the fall of 2014, Kurdish fighters in northeast Syria, together with some allied Arab forces, mounted the most significant resistance to ISIL expansion, briefly re-taking the northeastern city of Kobane with US air support (*BBC News* 2014; Letsch 2013). The US appeared poised to shift the Train and Equip funds and support to these groups, a move that Turkey viewed as an anathema. A number of local Arab groups took part in this resistance, and these were nominally the groups that would receive support (DeYoung 2015; Ryan, DeYoung, and Whitlock 2015). However, the core military forces and direction came from the Yekîneyên Parastina Gel (YPG or People's Protection Units), an affiliate of the PKK, with whom Turkey had been engaged in a multi-decade conflict. Turkey would use whatever tactics it could to prevent such support. Its claim that it could mobilize northern Syrian opposition groups to fight ISIL, and that support to YPG-affiliated groups was thus unnecessary, should largely be viewed in this light.

Turkey's role in identifying and managing the groups that would receive US support created a sort of dual selection and control process. The fighters were still subject to the same Train and Equip legislation, and to many of the same DoD regulations and controls that had been developed for the New Syrian Forces. Some of the rules had been slightly relaxed – for example, there would be no enforced pledge committing fighters to only pursue ISIL, and given the largely in-country support, a shorter and less robust training plan (Ryan, DeYoung, and Whitlock 2015; DeYoung 2015). However, the broad program restrictions and redlines remained the same. Per the NDAA provisions, US-supported fighters would be screened for affiliation with terrorist groups, Iranian groups, Shi'a militias or the Assad regime and commit to respect "human rights and the rule of law" (NDAA FY2015: sec. 1209(e)(2)). DoD had developed a Leahy-like vetting process, and other vetting against potential terrorist or extremist group affiliations (Interviews #5,

90, 38). In the previous Train and Equip program, they had also developed a standard law of armed conflict curriculum as part of training, and although training appeared to be lighter and less directly US-managed in this iteration, it still involved some of these components (Interviews #5, 136; A. Stein 2017: 10; Ryan, DeYoung, and Whitlock 2015). Syrian commanders and fighters who went through the process remembered these restrictions, both those related to passing weapons on to extremist groups and prohibitions on abuses or poor conduct, as a significant part of their interactions with the program: “This is very important in talking with the Pentagon – to have a clear CV. It’s written in all the Pentagon reports and rules” (Interview #38).

However, because it was Turkey identifying and selecting the groups, and facilitating the transfer of materiel and training in Turkey, Turkey also applied its own form of controls. While not a formalized “vetting” process, Turkey demonstrated clear selection patterns and preferences. US officials argued that Turkey tended to favor Islamist groups with similar ideological views to the reigning Turkish party, the AKP (Interviews #84, 90, 5, 38). This set up a conflict with US vetting preferences, which tended to exclude the Islamist groups that Turkey favored. Turkey’s preference for developing selective proxies also did not fully align with the US vision of mobilizing mass numbers of strong local self-defense forces, which might be more dedicated to pursuing ISIL than protecting Turkish interests. “The ideal for this program was to have forces that were mutually accepted by both Turkey and the US, but ...that proved hard to come by,” one former State Department officer noted (Interview #5). He said that the US would go to Turkey to get sign off on groups and forces, but they “rarely greenlighted” the stronger groups that the US wanted, which left only “really ineffective fighters... truly abysmal. They just took the hiluxes [trucks] we gave them and abandoned them in the field for ISIL,” he remembered (Interview #5; also A. Stein 2017).

Syrian fighters who observed or went through the process said the diplomatic friction was evident even from their level of operations. The same Syrian commander noted above said that the speed of vetting depended on the “political situation between the US and Turkey. If the situation was good, it went through quickly. If their relations were bad, then it took much longer” (Interview #38). Other analysts observed that the Turkish approach clashed with the requirements of the Train and Equip program, and that with lighter or differently managed US training modalities, they might have gotten more recruits (albeit not necessarily more competent ones) (A. Stein 2017: 10–11, 21).

Whether because it wanted to keep force numbers low or because there were not enough northern Syrian groups that it had relations with, Turkey ultimately volunteered fewer forces for the program than the US wanted or expected. One former White House official remembered “we continued to negotiate with Turkey for alternatives [to arming

Kurdish forces]. Turkey would say ‘You don’t need to work with them... there are other fighters you can work with’ but when we would ask them about these fighters, they never materialized” (Interview #86). Another former State Department officer said they began to refer to these forces as the “unicorn forces” internally because this ideal of strong, law-abiding, anti-ISIL forces, which Turkey kept promising but never materialized, appeared to be a policy fantasy (Interview #105). The numbers provided were ultimately so small, and the fighters produced so ineffective, that the US increasingly shifted its support behind Kurdish-led forces. Turkey still managed Arab militia forces in the northwest for many years, but the degree of US engagement or support going to them appeared scant from late 2015 on (opt. cit. A. Stein 2017; Ryan 2016). Because the process was so quickly abandoned, it is difficult to assess the collaborative processes involved in any follow-on controls, for example oversight or sanctioning.

The US-Turkish endeavor provides an example of a failed bargaining scenario, in which control mechanisms, among other tools of persuasion, failed to broker a compromise. In the previous bargaining examples, control mechanisms were used by different parties to achieve their interests – to assuage or overcome critics, or to limit the proposed initiative. However, the control mechanisms also played a larger brokerage role, helping to facilitate a compromise between different players and allowing the program to go forward. In the case of this US-Turkish cooperation, the control mechanisms failed to bring this about, and may even have obstructed cooperation. Rather than addressing one side or the other’s concerns and allowing opposing positions to be nudged or appeased, the control mechanisms were tightly wedded to each country’s interests and objectives, which were so oppositional that no compromise was possible.

The bargaining did not cease with the failed effort to create a Turkish-managed anti-ISIL force. If anything, control mechanisms became a more important – if still a failing – tactic within US-Turkish bargaining over the SDF. Throughout 2015 and 2016, the US increased its support to the SDF. Despite loud and persistent objections by Turkey, the US conducted air strikes in support of Kurdish-led forces, and provided arms (initially only to the Arab contingents), as well as mentoring and tactical support by a limited number of US Special Forces deployed in Syria (Gibbons-Neff and Sly 2016; Sly and DeYoung 2016; International Crisis Group 2015c: 27–28; Ryan, DeYoung, and Whitlock 2015). To try to defray Turkish accusations that the US was fueling arms to the PKK, the US had requested that the YPG-led force rename itself (Reuters 2017). But the October 2015 rebranding to the “Syrian Democratic Forces” did nothing to assuage Turkish concerns.

Control mechanisms became a major part of diplomatic efforts to reassure Turkey. In addition to trying to persuade Turkey that the SDF was not the same as the YPG (or the PKK for that matter), the US emphasized that it had safeguards in place to ensure that any

US weapons or equipment provided would not flow to Turkey's enemies. It created screening and vetting processes that were designed to demonstrate a filtering of those with terrorist links (presumably including the PKK, which was on the State Department list of terrorist organizations)(Interviews #86, 5, 105, 90). Also in deference to Turkish concerns the US tried to enforce redlines on which territory the SDF could control, limited the provision of some advanced weaponry (i.e. anti-aircraft weapons) to the SDF, or alternately tried to channel weapons or tactical equipment through the Syrian Arab Coalition, the Arab part of the SDF, rather than the more closely YPG-affiliated parts of it (A. Stein 2017: 8–9; Interviews #5, 86, 87). During the Kobane operation, when the US airdropped heavy weapons and more advanced equipment it directly informed Erdogan in advance (Interview #86). Weapons and material that were provided were kept under tight inventory and periodically verified to demonstrate that weapons, arms, or other materiel transferred was still accounted for, and was not being siphoned off to the PKK. "Everything is written and archived. Like when they give the salary for 300 fighters, they'll come and check that they are all there. ... Even if it's a cigarette we have to sign our name for it," one senior commander from Manbij recounted (Interview #61). Some of this information – for example, rosters of equipment provided – was then shared with Turkey to demonstrate that it was all accounted for and that weapons or equipment would not later be used in a conflict against Turkey (Interview #59, 153). One senior official said that part of the reason that more US forces were co-deployed in SDF areas was to "reassure them [Turkey] that we were watching closely and that there wasn't material going north [i.e. to the PKK in Turkey] to be used against them" (Interview #86).

None of these efforts were ever persuasive. Turkey would continually lobby for the US to break ties with the SDF, and the US-SDF partnership significantly undermined US-Turkish relations, even after Trump announced the withdrawal of US support in December 2019. The US' unsuccessful efforts to use control mechanisms to assuage Turkish concerns recalls the equally unsuccessful efforts to use controls to persuade Maliki that the *sahwa* were not a threat. Turkey viewed the YPG-led forces with as much hostility as Maliki viewed the potential "Sunni Army" being mobilized without his consent. No amount of vetting, registration of arms, or other accountability mechanisms would mitigate this fundamental distrust. Also similar to the Iraq and Afghanistan examples, use of controls as a tactic was not a one-way approach. Turkey also tried to use control mechanisms to steer US funding and support to groups that served its interests, a strategy not unlike that used by Karzai and other Afghan powerbrokers.

*Bargaining with the SDF: A More Trusted Partner and Non-State Actors at the Bargaining Table (2015 – 2019)*³²

Equally important to the bargaining with Turkey was bargaining between the US and the SDF itself, less because it drove controls and more because it appeared to relax them. After years of struggling with disorganized and Islamist-leaning FSA groups, the SDF appeared to be the ideal force. They had a level of command and control akin to a state force, a decidedly secular outlook, and equal dedication to winning back territory from ISIL. They could plan operations and seize and hold territory on their own, maintained discipline within their own ranks, and even came with the language of democratic institutions and women's empowerment. There was such a high level of trust and personal attachment to the SDF within the US government that when Trump (first) announced in December 2018 he would end the partnership, it prompted a level of bureaucratic outcry that included a letter of resignation by the Secretary of Defense.

Although over time parts of the US bureaucracy (particularly DoD) developed a deep trust in the SDF, there was equally deep initial hesitation about partnering with them. The decision to partner with the YPG/SDF generated internal deliberations akin to those described in the prior CIA and State Department assistance debates. The State Department, particularly the Bureau for Near Eastern Affairs, some members of the White House Syria policy team, and even the Office for the Secretary of Defense within DoD opposed any significant partnership with the SDF due primarily to the certain diplomatic costs with Turkey (Interviews #87, 5). The long-standing State Department sponsorship of other Syrian opposition groups, and the commitments this had generated, also influenced State Department reluctance to support the SDF (Interviews #105, 5). The proponents – led by Special Envoy Brett McGurk and military leaders at US Central Command – ultimately prevailed, largely by pointing to the fact that the established priority for the administration was to oust ISIL from its Syrian base, and there were few other alternatives given unwillingness to deploy substantial US forces (Interviews #87, 5).

Such internal deliberations certainly influenced the application of controls in the SDF partnership. State Department reservations about the cost to the US-Turkish relationship contributed to the control mechanisms that were intended to assuage Turkey's concerns – those discussed in the prior subsection (Interview #5). The State Department was also attentive to concerns raised by Arab communities and civil society (including many of the same groups funded in prior non-lethal assistance iterations) that

³² The US support to the SDF was ongoing at the time of writing. However, Trump announced that the US would begin withdrawing US support from the SDF in December 2019, and research for this case study had largely concluded by then, so that date will be adopted as the end date for this case study.

empowering the Kurds would lead to Arab marginalization, and possibly even ethnic cleansing (Interviews #5, 86, 105). As a result, State Department officials kept up the pressure for monitoring and controls related to rights abuses, and in later years as the SDF assumed control of Arab-majority areas, tried to condition US support on “inclusive governance” (Interviews #5, 86, 87, 88).

However, an equally or even more significant factor was the nature and conduct of the SDF itself, which appeared to lead to a relaxation of controls. On paper, the same control mechanisms that had been developed for the prior Train and Equip program applied to the SDF. Those who underwent training with US forces (some 11,000 by early 2018 (Congressional Research Service 2018: 18)), or were responsible for receiving material or in significant contact with US forces on the ground underwent a vetting process that included taking background information, fingerprints, an iris scan and other tracking measures (Interviews #61, 64). Where US training was provided, there was the same curriculum including law of armed conflict, human rights concerns, and according to one former training staff, a counterinsurgency-inspired emphasis on population protection (Interview #64).

However, while the control mechanisms may have been the same in form, they differed substantially in the spirit with which they were applied. The tremendous trust and confidence in the SDF and the Kurdish leadership created substantially lower standards of scrutiny and control, not only among the Special Forces working with them, but among other parts of the Executive Branch and Congress (#89, 105, 78). Outside of the efforts to account for material or demonstrate control to Turkey, there was a much looser application of control mechanisms and scrutiny vis-à-vis the SDF (Interviews #63, 86, 87, 90, 105, 98, 78). Whereas the prior versions of the Train and Equip programs and FSA support were rife with stories of lengthy and extensive vetting procedures, and sanctions leading groups to be cut from funding, there was no evidence of SDF forces failing such vetting or later being subject to sanctions. This was partly because of different modalities of the partnership – because of the more advanced military structure and organization, the US left much of the recruitment, vetting, and training to the SDF itself. Where this was carried out independently from US forces, it is not clear that US checks were triggered. However, it was also due to the amount of trust placed in the leadership. One senior official’s observations suggested a low level of vetting or scrutiny: “We were mostly taking groups that already existed. If the commander said our guys are OK, then we took his word for it” (Interview #86). Other observers and SDF interlocutors also remembered very little emphasis on vetting or other checks (Interview #63, 55, 87).

The fact that the SDF demonstrated that they took discipline and control of the force seriously was the reason given by most US military and officials for why controls and

US oversight was looser with the SDF – there was a sense that they were themselves addressing potential security risks and holding members to account for misconduct (Interviews #90, 105, 98, 78). On the two main criteria of past vetting – affiliation with Islamist extremist groups and human rights concerns – SDF fighters generally enjoyed a much better reputation (Interviews #78, 15, 20, 22). ISIL posed a far greater threat to Kurdish communities than to the US, and so there was not the same issue of “marbling” as with the FSA. Noah Bonsey, ICG’s former lead Syria researcher observed that while not perfect, “The SDF is better behaved in terms of human rights than almost any other armed actor in Syria” (Interview #27). He also attributed this in part to the stronger discipline and organization: “The SDF might be more autocratic in its tendencies but it is better organized than all the rest of them. They have command and control. When there were really flagrant problems, they have been responsive to concerns [raised by the US or other actors]” (Interview #27).

As Bonsey’s comments suggest, any concerns that did manifest were dealt with in bilateral negotiations between the US and the SDF and then left to the SDF to address – a contrast with the micromanagement that characterized the prior Train and Equip programs (A. Stein 2017: 10). After a Human Rights Watch (2015b) report alleged that Kurdish forces were not meeting their commitments on child soldiers, US officials raised the issue with SDF leadership, which prompted tighter SDF screening to prevent underage recruitment (Interviews #55, 61, 64, 70). When the US urged the SDF and the Syrian Democratic Council (the SDF’s parallel governing body) to take a more inclusive approach to governance, they mostly followed suit, creating a federalist structure with locally appointed councils that included Arab representatives, and incorporating local Arab fighters into either local self-defense units or into the broader SDF body (Interviews #78, 90, 27, 91, 87). The SDF and the Syrian Democratic Council were dealt with as if they were institutions of a state actor, albeit one that had a more cordial and responsive relationship with the US. US State Department and military officials who worked with the SDF tended to characterize the relationship as a cross between mentorship and close state partnership, with competing interests and viewpoints negotiated by both sides, rather than the SDF simply taking commands and entirely directed by US decision-makers (Interviews #78, 79, 80, 90).

In summary, the SDF were also at the bargaining table, but unlike the US bargaining with Iraqi, Afghan or Turkish leaders, there was much less friction in that relationship. Controls were neither needed to control the subject group itself, nor in order to reach a compromise, an agreed vision or mode of operating jointly. This helps connect the observation of lower incidence of controls in the SDF relationship to the overall theory

of controls manifesting as a result of contentious bargaining or friction; here, where that was absent, tight application of controls did not manifest.

Conclusions on Bargaining with External Actors

While not bearing quite the same leverage as the Iraqi and Afghan governments, Turkey still possessed certain advantages of territorial access and capacity for managing these programs (or by contrast, disrupting them) that made their buy-in crucial. The SDF and the Syrian Democratic Council had de facto territorial control and governing authority in northeast Syria. Their consent and participation were as crucial to US security objectives in northeast Syria as the governments in Afghanistan and Iraq in the prior case studies. Turkey and the SDF had a degree of leverage and direct engagement that distinguishes these external actor deliberations from the more indirect influence illustrated by external actors' engagement with the earlier FSA programs.

Overall, these examples suggest that in considering BPA bargaining deliberations, one might look not just at the interior circle around the President, the surrounding bureaucracy, or even its deliberations with Congress, but that a significant player at the bargaining table might well be other states or non-state actors as well. By providing concrete examples of such external actor co-participation in bargaining, these case studies support the subtheme introduced in Chapter II of considering a wider range of participants in BPA bargaining.

Organizational Tendencies and Controls Mechanisms as an Emerging “SOP”

While bargaining dynamics are core to BPA, an equally important premise is that foreign policy outcomes are driven and shaped by organizational tendencies, pathologies, and common practices. Bureaucracies develop common policy approaches and shared images that influence the way foreign policy problems are viewed and solutions presented for resolving them. BPA theory also suggests that bureaucracies will develop policy scripts or repertoires of standard approaches and practices that are triggered when it comes to implementing or carrying forward a policy decision (Allison and Halperin 1972: 51–54; Alden and Aran 2012: 32–33; Halperin 1971: 72–74; Allison 1969: 698–701; Hudson and Vore 1995: 216–17). How did such organizational tendencies and standard operating procedures (SOPs) interact with the bargaining dynamics at play in the Syria assistance, and how did they contribute to or influence the control mechanisms that manifested?

Although many of the control mechanisms were triggered by what were often quite distinct Syria dynamics, the approaches or mechanisms themselves were not so unique. Many resembled the standard approaches, practices, and SOPs already pursued

by the US departments or agencies involved. In summer 2012, when first confronted with how to implement non-lethal assistance in an environment replete with human rights risks, State Department officials' first response was to re-tool the same vetting standards it had been charged with overseeing for nearly two decades, those associated with the Leahy law. When DoD took on Syrian support with the first Train & Equip program in 2014, it applied training standards and criteria that reflected DoD professional ethics and standard practices in training and security assistance. It automatically proposed a laws of land warfare training for the Train and Equip program, and would use some of the same standards and mechanisms that DoD applied in other countries to comply with obligations under the 2008 Child Soldiers Prevention Act (Wright and Ewing 2015; Ryan and Miller 2015; Weber 2019; Interviews #11, 38, 41, 55, 57, 58, 64, 70).³³ Neither of these measures had specifically been prompted by the congressional debate or were part of the prior FSA support, but these were the automatic routines or SOPs that DoD used to respond to perceived conduct-based risks in partner support. Some evidence of standard responses or SOPs can even be seen with the covert CIA assistance. While it might have seemed a novel approach for the CIA to demand that FSA groups bring back spent missile casings, this was not entirely new. Albeit not stringently enforced (Moore 1994), CIA support to the Afghan *mujahedeen* in the 1980s also included such demands (Woody 2018).

The approaches taken in the State Department non-lethal assistance offer the best illustration of the influence of organizational tendencies and engrained processes. While the different control mechanisms attached to FSA non-lethal assistance certainly manifested in response to specific internal bargaining positions, CSO officials tended to respond to these triggers by reaching for already developed bureaucratic processes, SOPs, and approaches. Many of the control mechanisms applied to FSA were already *de rigueur* parts of State Department programming in any conflict environment, from the third-party or "end-use" monitoring, to extensive reporting requirements, to vetting based on potential affiliation with DTOs (Interview #24). These standard practices certainly had to be modified for the Syria context. For example, third-party monitoring was supplemented by other less-common indirect monitoring, with State Department staff calling recipients or third parties on the ground by phone or bringing armed group leaders or recipients to Turkey to meet with State Department staff. As noted, the human rights vetting process was only a "Leahy-like" vetting process, modeled after the principles and processes of the Leahy law vetting, but with substantial differences. For example, it was actually much more proactive – seeking out information and investigating allegations throughout the course of the contracts – than is typical in applying the Leahy

³³ DoD would then apply the same approaches and standards throughout all the Train and Equip iterations it managed.

law. Nonetheless, although innovated to respond to the Syria context and pressure points, the approaches themselves very much drew from the State Department's standard repertoire of accountability mechanisms.

Part of the reason State Department staff reached for these existing practices and SOPs was that these mechanisms had already been internalized as part of the default approaches to responding to accountability issues. One State Department officer offered that the sort of initial "risk assessment" that was conducted at the onset of non-lethal assistance (in early summer 2012, at the onset of debating all non-lethal assistance programming), and the vetting requirements that accompanied it had become "relatively common place" for any country that invoked conflict or terrorism risks (Interview #20). He assumed that vetting – whether the human rights-related vetting or that related to security risks – had been introduced at the onset of the non-lethal assistance simply because it was common practice to do so on both fronts (Interview #20). The CSO officer's comments that establishing a Leahy-like vetting process was in part viewed as "intuiting Congressional intent" (as cited in the non-lethal assistance subsection) also lends evidence to the view that by this point, these sorts of human rights controls had become normalized within the bureaucracy (Interview #24). They were what the State Department had internalized as necessary or appropriate, and would be applied even when not legally required.

While true that State Department officials frequently reached for the standard toolkit and approaches, they were more likely to do so in response to a particular bargaining demand. Interview accounts suggest that developing a risk assessment and mitigation strategy had become a fairly standard practice by this point (Interview #103). However, it became an even more prominent and important step given the need win over other internal players for the program to go forward. Similarly, the decision to apply a "Leahy-like" vetting process was not simply a bureaucratic reflex but was triggered by a need to win over unconvinced players in the bureaucracy, and forestall congressional concerns. As such, while existing bureaucratic pathways and processes shaped the nature of the response, the bargaining demands in the environment were still important triggers of that bureaucratic response.

What this suggests is an overall tendency to reach for approaches that have already been internalized or deployed. The fact that they are already available makes it easier for the bureaucracy to immediately apply them in the midst of a crisis. In addition, drawing from the existing repertoire of accountability measures was more convincing as a response to other bureaucratic players' demands precisely because these were already deemed appropriate or accepted means of risk mitigation.

This appeared true not only for control mechanisms that had already been internalized within the institutions, but also for those that had recently – and successfully – been used to rebut political objections or critiques. The set of control mechanisms innovated in the State Department non-lethal assistance programming were then picked up by other parts of the US government when they sought to demonstrate accountability in Syria armed group support. Every subsequent Syrian assistance program adopted a Leahy-like vetting, some doing so with explicit reference to borrowing the CSO's prior approaches and experience (Interview #83). In responding to tough Congressional questions about risks of training and equipping Syrian rebels, General Dempsey responded by pointing explicitly to the experience of controls, information, and vetting in the non-lethal assistance program (U.S. Senate 2014b: 32–33). The shadow of this decision can even be seen in the CIA covert support. Landler's account of how the initial proposal for arming Syrian rebels was developed notes collaboration between State Department and CIA officers, drawing from some of the accountability mechanisms and approaches the State Department was developing in its early assistance (Landler 2016: 216–17). As these practices are picked up from one part of the bureaucracy to another, to address one problem set or program challenge after another, they are further reinforced as part of the repertoire of responses that are appropriate for these situations.

This tendency to use existing repertoires of control offers one last important insight for the overall thesis and that is as a mechanism of policy transfer. In Dempsey's testimony, he noted not only the past experience with State Department non-lethal assistance in Syria but also prior experience with vetting and controls in Iraq and Afghanistan. As the State Department officer's comments above alluded to, the reason that controls like two-pronged (security and conduct-based) vetting were applied as a default was that they had already become accepted as common practice through deployment in other counterterrorism and conflict environments. Presented in this light, organizational tendencies help explain how repertoires of accountability, and particular SOPs for control mechanisms and approaches, might be ingested into the bureaucracy as the result of a particular experience and then transferred either to other programs within the same country context or to other country contexts that appear to present similar dilemmas. It suggests a mechanism for how control mechanisms might develop over time, and across cases, into something like a regularized approach. The subsequent two chapters will pick up on this theme of bureaucratic internalization and change over time more fully.

Conclusion

With the support to Syrian armed groups, there was a range of different US bureaucratic actors involved; there were a variety of Syrian groups with differing profiles and motivations; and there were important variances in the types of assistance (lethal or non-lethal, covert or openly provided). There were also different external state or non-state partners across each iteration of support. Despite these varying dynamics, quite similar approaches to control and similar standards and criteria emerged in nearly all of the Syria support programs. The uniformity and pervasiveness of controls was all the more surprising given that the environment in Syria, the US position vis-à-vis these groups, and other dynamics within these support relationships are the sort that would make control mechanisms highly costly, unlikely to work, and thus (according to Principal-Agent theory) unlikely to manifest.

The case study evidence suggests a strong link between the bargaining dynamics and demands surrounding each of these initiatives and the controls that manifested. Each of the case studies illustrated different types of bargaining scenarios or configurations, from high-level 'decision games' within the Executive Branch, to lower-level bargaining within the bureaucracy, to different rounds of bargaining with Congress, with foreign partners (both Turkey and other allies collaborating on implementation) and even the LHSF themselves (the SDF).

Across these different types of bargaining situations, there were common threads in the way that control mechanisms were used, and tactics similar to those discussed in the Iraq and Afghanistan case studies. Whether in trying to persuade a skeptical President to support covert action, to appease State Department lawyers, or reduce potential opposition from rights-protective congressmen, control mechanisms were frequently introduced by proponents to try to counter or win over critics. Control mechanisms helped appease or neutralize concerns about these risky endeavors, making it more likely that proponents could build successful coalitions. Opponents of these programs used control mechanisms too, primarily as a limiting device. Where there appeared no other policy alternative and/or the momentum behind supporting these groups appeared unstoppable, control mechanisms at least offered the ability to limit the worst aspects of these programs, for example by excluding the riskiest elements or actors.

What the Syria, Iraq and Afghanistan examples have begun to illustrate is that control mechanisms act as a larger enabling device toward partnering with these risky forces. Controls served as a means of persuasion and rebuttal, which ultimately increased the likelihood of US support going forward. Control mechanisms helped facilitate compromises on these overall controversial and divisive policies, whether a compromise

between competing viewpoints within the administration, between the Executive Branch and Congress, or between the US and external actors (apart from the dealings with Turkey, which represent a failed compromise). They were certainly not the only tools of persuasion and argument that facilitated agreement, but given how central risk and risk mitigation were to debates about such partnerships, control mechanisms became crucial to these initiatives going forward.

With this greater share of empirical examples, it is worth revisiting some of the conjectures and expectations set out in Chapter II. Chapter II offered a preliminary suggestion that many of the expectations of Principal-Agent theory did not hold with the empirical evidence. The Syria examples help add color to that contention. In Syria, the lack of access to territory and the overall political dynamics created such significant barriers that any attempt to increase control would prove extremely costly. Principal-Agent theory would suggest that in such an environment, controls would not be pursued because the costs of doing so would not justify the benefits. Instead, control mechanisms did manifest, despite an environment that was not conducive to accountability, widespread policy expectations that it was not achievable, and in many cases an absence of any legal obligation to enact them.

Nor did this shift as the costs began to manifest and even increase. Developing these vetting and control processes proved extremely time-consuming, and demanded significant compromises in terms of program implementation and effectiveness. There was a widespread consensus that overly strict vetting and controls were primarily responsible for the failure of the first Train and Equip program, and contributed significantly to under-performance in the prior two FSA assistance programs. Controls limited crucial partners and slowed or limited the assistance to the degree that it could not fulfill FSA needs (Entous 2015; Lister 2016). Despite this, with the exception of the SDF, control mechanisms tended to accumulate and increase over time, both within particular programs and from one program to another.

The evidence suggests that this increasing level of controls was due to the contentious nature of Syria policy, particularly where nonstate armed groups were concerned, the many different players with a stake in the outcomes of the policy, and the resulting multiple bargaining dynamics and considerations that had to be taken into account at each step of the way. Controls also appeared to accumulate over time in part due to organizational tendencies or inertia, which interacted with some of these bargaining triggers. Control mechanisms were frequently proposed or spurred in order to respond to demands by various bargaining players. However, such bargaining prompts then interacted with the standing protocols and scripts of the bureaucracy. Although the Syria case in many respects generated unique policy questions and risks to be mitigated,

when confronted with demands to demonstrate accountability, State Department or DoD bureaucrats nonetheless reached for the SOPs and approaches already within their bureaucratic toolkit. Once applied, these accountability SOPs then took on a self-perpetuating character. Even within the Syria case studies themselves, which span seven years, there was a degree of institutional learning and uptake, as approaches innovated in the initial non-lethal assistance were then passed on to later programs. The subsequent chapters will build on this question of organizational tendencies and policy transfer over time by revisiting new LHSF initiatives that evolved from 2014 in Iraq and Afghanistan, as well as overall mechanisms and processes of change and institutionalization.

Chapter V: Revisiting LHSFs in Afghanistan and Iraq: Legacy Effects, Common Approaches, and Exceptions to the Rule

Each of the prior case studies has illustrated how competitive bargaining environments, and the need to reconcile opposing positions led to greater control mechanisms. The Syria chapter also introduced another element, drawing from BPA's organizational theory to suggest that control mechanisms were becoming part of the bureaucracy's standard repertoire of accountability responses over time. If not fully integrated as part of the standard operating procedures (SOPs) by 2014, a range of control mechanisms were part of the standard menu or common approach toward risks in these environments. To further probe this idea of a cohering common approach, and how that might interact with bargaining, this chapter will first examine the effect of both dynamics in several late-stage LHSFs in Iraq and Afghanistan. Two new LHSFs were proposed after 2014, the Tribal Mobilization Force in Iraq, and the Afghan National Army Territorial Force, both laden with control mechanisms. Do the prior bargaining patterns observed in other case studies fully explain the control mechanisms in these later LHSFs? How did these bargaining dynamics balance against any evidence of policy transfer or adoption of controls due to past LHSF experiences or an evolving common approach?

The second part of this chapter will probe the scope of this emerging "common approach" by examining a number of LHSFs that do not appear to follow the pattern of increasing controls. Smaller, covert, and counterterrorism-focused LHSFs operating in these countries did not share the same control-heavy approach as other LHSFs discussed. Was this due to different bargaining dynamics, the disparate reasons for US delegation to these groups, or other characteristics or operating modalities surrounding them? What do the factors that lead to exceptions to the rule suggest about the larger practice, and about where control mechanisms are most likely to manifest?

Bargaining versus Legacy Effects in Late Stage LHSFs

Many of the same bargaining tactics and dynamics that shaped the case studies discussed so far would also manifest in two post-2014 iterations of LHSFs in Afghanistan and Iraq, shaping control mechanisms within a 2015 anti-ISIL Sunni tribal mobilization initiative in Iraq, and those in a new ALP-like force created in early 2018 in Afghanistan. However, while some bargaining took place, the debates surrounding these LHSFs and the programs that resulted for both forces were in many ways an echo of their predecessors. In both Iraq and Afghanistan, the new post-2014 forces were mobilized or supported by largely the same US commanders and advisors who had taken part in the prior *sahwa* and ALP bargaining, working in cooperation or tension with many of the same

Iraqi and Afghan leaders and institutions on the other side. As such, both programs were marked by a strong degree of personal and institutional memory, as well as substantial scar tissue from the prior contentious debates and the failings of their predecessors. Given all of this, the legacy effects of the prior ALP and *sahwa* initiatives are difficult to ignore. However, these past experiences and debates were not the only factors. Some of the control mechanisms within these late stage LHSFs appeared to have little to do with country or bargaining dynamics in Iraq and Afghanistan, either those concurrent to these post-2014 bargaining or the legacy effects. This allows us to further probe the evidence introduced in the Syria chapter of an evolving common approach.

The Tribal Mobilization Force³⁴ (2014-2019): A Sahwa Redux?

When the Iraqi army collapsed in the face of ISIL advances in June 2014, the US looked to the sort of Sunni tribal mobilization that had proved so successful against AQI.³⁵ The idea of a second *sahwa* was treated as the “silver bullet” against ISIL, both in the US Embassy in Baghdad and back in Washington, DC (Interviews #78, 76, 108; U.S. House 2014a: 3, 7–8, 14–17; U.S. Senate 2014a; Ignatius 2014; Obama 2014). It was such a high-priority initiative that Secretary of State John Kerry raised it himself in his first meeting with Prime Minister Haider al-Abadi in the fall of 2014 (Gordon and Schmitt 2014). Even before formal approval was obtained, US commanders reached out to former *sahwa* contacts to try to generate enthusiasm and spur tribal resistance (Interviews #49, 129; Holmes et al. 2014; McCleary and Jakes 2015).

It was not the only citizen mobilization initiative afoot, however. After the fall of Mosul in June 2014, senior Iraqi cleric Ali Sistani issued a *fatwa* calling for popular defense against ISIL. Maliki, still Prime Minister at the time, used the *fatwa* to justify the creation of the Popular Mobilization Force (PMF), or *Hashd ash-Shaabi*. Initially formed out of a handful of pre-existing Shi’a militias, mostly linked to Iran or to Maliki’s sectarian political apparatus, the PMF quickly grew to well over 100,000 forces, drawn from all areas, constituencies and sects in Iraq (Mansour and Jabar 2017; Gaston and Ollivant 2020: 45). The PMF would be fully legalized by the Iraqi Parliament in November 2016.

³⁴ The most common term applied to the post-2014 Sunni tribal forces, by both Iraqi citizens and US officials was *Hashd ash-Shaabi*, which translates to “tribal Hashd” or “tribal PMF,” denoting a subpart of the larger Shi’a-dominated PMF, or *Hashd ash-Shaabi*. Some US government documents also referred to them as the “Sunni Popular Mobilization Forces” (Office of the Secretary of Defense 2016; 2015). However, because there were also other Sunni tribal PMF not supported by the US (some were mobilized and controlled by Shi’a PMF groups)(E. Gaston 2017c; Rudolf 2020), an alternate term used by US officials, the Tribal Mobilization Force, will be adopted here to distinguish US-supported tribal forces.

³⁵ The *sahwa* had not formally ceased to exist by this point. There was still a roster of *sahwa*, paid monthly by the Iraqi government, but most appeared to exist on paper only (Interview #54; Cigar 2014).

Although it was a generally more open moment for popular mobilization in Iraq, the Iraqi government was as suspicious of the US mobilizing Sunni tribal forces in 2014 as it had been in 2007, arguably even more so. There was still significant bitterness on both sides over what had happened with the *sahwa*. Many Iraqi officials and leaders also believed that ISIL was partly made up of former *sahwa* members, in their view proving the point that these Sunni tribal actors were not to be trusted. In addition, ISIL's mass takeover of territory and the political ramifications had triggered a sort of zero-sum competition within Iraq, with all political parties, sects, ethnicities, leaders, and even local stakeholders competing to ensure that their constituencies were armed, protected, and would have a territorial and political stake in the future (Mansour 2017; Gaston and Derzsi-Horváth 2018; Gaston and Ollivant 2020: 13–17). In such an environment, both Shi'a leaders and parties within the Iraqi government, and Kurdish leaders in control of the Kurdistan Regional Government (KRG) were much more interested in buttressing their own forces and constituencies than in seeing US resources go to Sunni contingents.

As with the late-stage negotiations over the *sahwa*, the suspicion and resistance to the TMF program were negotiated via control mechanisms. However, the initial bargaining was quite brief: the sort of Iraqi institutional controls that were gradually negotiated over the course of the *sahwa* were largely acceded to at the onset. It is important to first lay out what these control mechanisms were, and then to analyze the nature of the bargaining surrounding them.

From the start the US agreed that the TMF would be recruited and mobilized by Iraqi forces (not by US forces, as the *sahwa* forces had been); and would be subject to background checks managed by the Iraqi National Security Service (Office of the Inspector General 2016a: 5). They would come under the direction and orders of Iraqi officials. TMF were initially led by an Iraqi three-star Army general, and later were brought under the PMF (Interview #129, P3). At a local level TMF came under the command of the Federal Police or Iraqi Security Forces in their area (Interviews #P3, P13, P38, P41, P47, P48). On an individual level, TMF were subject to any Iraqi rules, regulations, and disciplinary measures, and could be dismissed at any point (although given Iraqi control over selection this power was not as extensively used as with the *sahwa*)(P48, P49, P45, P51).

With that authority to manage the program also came the power to dismiss TMF units (a sanction), or limit US or international engagement and the scope of the program, both of which happened as time went on. For example, the Iraqi government would limit which provinces the program could operate in. Whether a reflection of past issues with the *sahwa* or simply a recurrent trigger point in Iraqi politics, the Iraqi government again resisted the TMF program's expansion outside of Anbar province. It reluctantly acceded to the program's expansion to Ninewa province in 2016 given the importance of US efforts

in retaking Mosul, but with that concession, the Iraqi government began introducing limits on the total number of TMF allowed in Ninewa. The program was never expanded to either Salah ad-Din or Kirkuk provinces, despite requests from some tribal leaders and the US, according to US officials (Gaston 2017c; Knights, Malik, and Al-Tamimi 2020: 39). Iraqi officials or security forces also used their power to control to later limit US or Coalition forces' engagement with the TMF. As the PMF became more dominant and as US interest in the program waned, the PMF (itself at that point a part of the Iraqi government) began insisting at least from May 2019 that the US and other Coalition forces cease any training or other support to TMF units (Gaston and Ollivant 2020: 55–56; Knights, Malik, and Al-Tamimi 2020: 39).

There were also bargaining demands by other stakeholders beyond the Iraqi government. When the TMF moved into Ninewa province, leaders of the KRG demanded their own input into selection, a request that had to be granted given the KRG's role in Ninewa operations.³⁶ Each tribal leader proposed for the Ninewa TMF was vetted by a committee that included Iraqi and Kurdish National Security officials, representatives of the Governor's office, and representatives of the international Coalition³⁷ in Iraq (Interviews #P1, P52). As part of that, TMF nominees were also in theory required to undergo background checks from the Kurdish National Security office (although in practice, it appeared to be more a process of political vetting).

Last, informal Iraqi stakeholders exercised their own informal or de facto controls in the course of implementation. In addition to all these formal vetting steps and controls, TMF recruits were subject to informal approval by senior government leaders and key political party officials and powerbrokers behind them, notably, Shi'a PMF figures like the late-Abu Mehdi al-Muhandis and Hadi al-Amri (Interview #129; also Office of the Inspector General 2016a: 3). One US official described a sort of shuttle diplomacy whenever it came to approving a tribal unit's request for more forces, or requests to equip an already-approved unit with advanced weaponry or equipment (i.e., heavy machine guns or armored Humvees). Giving the example of whether the US would provide heavy weapons to a given TMF contingent, one of the US officials involved remembered, "It

³⁶ The KRG had long attempted to assert influence, and in some places direct territorial control, over parts of Ninewa (Kane 2011). The US needed Kurdish support because it managed the oversight and the equipping of the TMF in Ninewa from US bases and consulates in Kurdish territory. It also needed Kurdish goodwill to maintain supply lines and territorial access to supply the SDF in Syria.

³⁷ In September 2014 the US, a number of NATO countries, and other partner states established the Global Coalition to Counter the Islamic State of Iraq and the Levant, ultimately comprising more than 80 states. Coalition members took part in military operations to oust ISIL under the Combined Joint Task Force Operation Inherent Resolve. Although the TMF was a US-sponsored and -driven initiative, some of its management was conducted through this Coalition mission structure.

depended on where, the type of forces, name of the people. [...] It was a decision we had to balance on a case-by-case basis, to balance between what we could accept them [the TMF unit] having; what was necessary to keep forces on the ground in the fight; and what Iraqi Shi'a leadership were willing to tolerate" (Interview #129). This was done indirectly – the general in charge of the program would engage with the various stakeholders, and then report back to US officials on any issues. But even if indirect, it was a central part of the US and Iraqi compromise over the program, at least according to the officials involved. As the same US official argued, "If you're sending money, resources, and equipment to Sunni tribal fighters, there have to be commensurate control mechanisms for Shi'a government officials and those with power behind them (and that could include Hadi al-Amri or al-Muhandis [leading PMF officials]) [...] They have to feel they have some control, and that these forces will not threaten your government" (Interview #129). This view was not universally held, he said, and other US officials and forces internally objected to PMF consultation. But ultimately the PMF's substantial influence and the importance of their acceptance of the program, and of the forces within it, was the political reality.

What the forgoing suggests is that certainly there were some bargaining that shaped the control mechanisms, from Iraqi demands made at the inception of the TMF to iterative bargaining throughout the program. Virtually all of the Iraqi or Kurdish-owned control mechanisms might be viewed as the result of bargaining with the US. However, it was bargaining without teeth to it. The US acceded to most of these demands readily. With less political leverage in country than in 2006, and limited manpower to run the program itself, the US was in no position to resist Iraqi management. As one US official remembered, "The crux of the issue for us ended up being getting Iraqi government, which was Shi'a, approval of a second paramilitary tribal operations done by Sunnis" (Interview #129). This required a degree of concessions.

The less contentious bargaining was also due to the legacy effects of the *sahwa*. Both Iraqi and US stakeholders viewed the TMF through the lens of the past *sahwa* debates and the breakdown over them. Iraqi stakeholders saw the TMF in light of the risks presented by the *sahwa*, and came to the bargaining table with the same control mechanisms they had proposed in the *sahwa* debate. The US similarly viewed the TMF through the lens of the *sahwa*'s successes and failings, most notably the Iraqi government's rapid dissolution of the *sahwa*. The lesson that the US had internalized from the *sahwa* experience was that institutionalization was important. It wanted the Iraqi government to adopt the force from the onset, in hopes that this would make it more durable and long-lasting than the *sahwa* had been (Interview #15, P2). The controls that the US acceded to, like Iraqi institutional control, had as much to do with avoiding past issues of the *sahwa*, as with controlling the perceived risks of the TMF units themselves. Overall,

the control mechanisms that resulted from TMF bargaining significantly repurposed those that had been developed in the final stages of the *sahwa*, rather than representing new bargaining demands or controls designed to respond to the specific risks of the TMF. This legacy effect helped facilitate a compromise more readily, in that there was already a pathway for resolving differences over the tribal forces.

Although bargaining was certainly an element influencing the TMF program and its many controls, there were also a number of control mechanisms that appeared to have very little to do with bargaining demands by either Iraqi, Kurdish, or US players involved. These were the additional control mechanisms imposed by the US. As noted above, the TMF was formally under Iraqi government control. However, US officials were substantially involved in the TMF, from the initial selection to ongoing management and oversight. US forces and officials who had contacts from the initial *sahwa* program were involved in informal outreach to tribal leaders to encourage them to mobilize forces. US officials charged with managing the program, either from Baghdad or Erbil (for Ninewa forces), regularly monitored which units were commissioned, which received training, where TMF were deployed, and any complaints that arose from or about particular units (e.g., about their conduct, issues of pay or equipment delays, or other complaints from tribal leaders) (Interviews #P2, 108, 129). Those US officials who took on this managerial role described their days as a constant series of meetings with tribal officials, community leaders, TMF members, and local or national Iraqi officials, relaying complaints and concerns back-and-forth, or using information gathered to corroborate complaints.

As a condition of US funding, the US also demanded its own checks and controls. In order to release funding for the forces (which was then administered through the Iraqi government), the US would apply the same multi-issue vetting to prospective TMF unit leaders seen with Syrian forces. This included what one US official framed as the standard counterterrorism or “CT” vetting (Interview #P2), which was required in the authorizing legislation for the program, as well as the conduct-based, human rights screening standards required by the Leahy law (NDAA FY2015, sec. 1236 (e)(1)(2); Office of Inspector General 2016, 41-42). Although the TMF had no formal legal status before the November 2016 PMF law, the US treated the TMF as an Iraqi state force from the outset,³⁸ which meant that the Leahy law applied to it (Office of the Inspector General 2016a).

³⁸ Armed groups operating “outside the framework of the armed forces” are prohibited under Article 9 of the Iraqi constitution, so presumably before the November 2016 legalization of the PMF (which would then include the TMF), the TMF forces would have constituted illegal armed groups. The US hoped to resolve the legal status by having the TMF be formally instituted as an Iraqi National Guard (Office of the Inspector General 2016a), but the National Guard bill proposed in the Iraqi Parliament in fall 2014 never gained momentum (Wehrey and Ahram 2015).

Once approved, US officials continued to monitor for evidence of Gross Violations of Human Rights and other misconduct by TMF that might trigger cuts in US funding (e.g., use of child soldiers) (Interviews #P2). Where credible information manifested, some TMF units were blocked from US funding. For example, a Sunni Arab TMF unit in southern Ninewa was blocked from the program after evidence emerged that the unit had tortured suspected ISIL members whom they detained (Interviews #P2, P35).

There were also other program elements that set standards for behavior and attempted to curb operating patterns or modalities deemed risky for these types of forces. US and other international Coalition members' forces (to include Spanish, British, and Dutch trainers) provided a 10-day training to TMF, which included a basic primer on human rights and the laws of war (Interview #P2)(Office of the Inspector General 2016b: 24).³⁹ To prevent them from becoming too powerful, forces were only to be provided with personal weapons, with the exceptions noted above of explicitly negotiated advanced equipment for select units. Similar to the ALP, TMF were designed as a local "hold" force, and to prevent their becoming too powerful militias, the US program rules advised that TMF should operate only in their home area, and that the size of each unit should be kept relatively small – 100 to 200 members on average (Interview #P2). This does not appear to have been a tightly fixed cap, but was de facto enforced through the multi-layered vetting and selection processes.

What drove these US control mechanisms? Iraqi officials were certainly not clamoring for human rights vetting and US training and oversight, nor were these elements demanded by DC-based policy stakeholders. Unlike with the Syria Train and Equip forces created at the same time (and funded from the same legislative appropriation), there was no significant opposition to or deliberations over the TMF within the US government, or between Congress and the Executive Branch. While the congressional record of the debate over Syria is studded with references to fears of Syrian forces perpetrating human rights abuses, or passing weapons on to hostile groups, such objections and fears were absent when it came to Congressional deliberations over Iraqi Train and Equip support. To the contrary, because of the legacy of the *sahwa*, which Congress remembered as a huge success, Congressmen and women had already been calling for a second 'Sons of Iraq' for some six months before the Obama Administration's request (U.S. Senate 2014b: 26–27; U.S. House 2014c: 40, 43). Nor was there significant handwringing within the Executive Branch about the potential risks of the TMF, again

³⁹ Due primarily to the limited availability of trainers, training was not mandatory. In May 2017, for example, only one-third of the TMF in Ninewa received training before being deployed, according to US tracking data (E. Gaston 2017c). US officials noted an even lower provision of training in the first year of the Anbar TMF (Interview #129, 108).

despite arguably some of the same risks of “marbling” with ISIL, or of Iranian interference. No officials interviewed remembered the sort of internal US bargaining, deliberations, and stand-offs documented in the prior chapter on Syria for the Iraqi TMF. Once authorized, those involved in the TMF remembered very few questions asked about whether TMF forces had passed vetting, crossed redlines or were affiliating with the wrong groups – the sort of continuing questions that prompted continued questioning, bargaining, and controls with Syria programming (Interview #129, 108, P38, P48).

Given this it would be hard to argue that bargaining pressures were what led to the numerous controls on the US side. One potential factor was simply a sort of crossover or seepage from the parallel Syria debate, which was funded through the same legislation. The applicable language on vetting and controls for Train and Equip forces in Syria and Iraq is strikingly similar, as illustrated in Chart D below (emphasis added).

Chart D: Comparing Iraq Train and Equip Provisions in NDAA FY2015	
Excerpt from Iraq Train and Equip provisions	Excerpt from Syria Train and Equip provisions
<p>Section 1236 (e) VETTING—The Secretary of Defense should ensure that prior to providing assistance to elements of any forces described in subsection (a) <u>such elements are appropriately vetted</u>, including at a minimum, by—</p> <p>(1) conducting assessments of such elements for <u>associations with terrorist groups or groups associated with the Government of Iran</u>; and</p> <p>(2) receiving <u>commitments from such elements to promote respect for human rights and the rule of law</u>.</p>	<p>1208 (e)(1) The term “<u>appropriately vetted</u>” means, with respect to elements of the Syrian opposition and other Syrian groups and individuals, at a minimum—</p> <p>(A) assessments of such elements, groups, and individuals for <u>associations with terrorist groups</u>, Shia militias aligned with or supporting the Government of Syria, and <u>groups associated with the Government of Iran</u>. Such groups include, but are not limited to, the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusrah, Ahrar al Sham, other al-Qaeda related groups, and Hezbollah; and</p> <p>(B) a <u>commitment from such elements, groups, and individuals to promoting the respect for human rights and the rule of law</u>.</p>

Given that both LHSF programs were funded out of the same request and legislative allocation, it might have seemed mismatched to explicitly mandate extensive monitoring, vetting, and other controls for LHSFs on one side of the border and not on the other. However, although the language is close, there are some differences, suggesting some distinct consideration given to the risks and dynamics surrounding each force. In addition, discussions with Congressional staff involved in drafting the legislation suggest that it was

less that these conditions were transposed from the Syria bargaining debate to Iraqi forces, than that these sorts of conditions and requirements had become standard for forces like the TMF. When asked about these control mechanisms, one of the Congressional staff involved noted that the vetting and controls in the TMF legislation were the sort of accountability measure that was “important with a local hold force” like the TMF because good conduct and promoting the rule of law could help ensure good relations and credible governing authority with the community (Interview #21).

There was a similar reaction among Executive Branch officials involved in the TMF, both to the overall tenor of the TMF controls and to the Congressional imposition of them. US officials tended to view the congressional conditions and controls as unremarkable, the sort of vetting criteria, and commitments to uphold respect for human rights that are often imposed on forces of this genre (Interview #129, P3, 108). They also saw it as a basic due diligence measure that had become part of the operating paradigm – in essence an “SOP” – with forces that might attract public attention or blowback. This was due not only to formal restrictions, or the likely Congressional inquiries, but also to the informal accountability pressures. As one US officer managing the TMF program argued, even if not legally required, any program of this sort would have to meet the “Washington Post test” (Interview #P3). Should Iraqi forces engaged in war crimes or terrorist support appear on the front page of the *Washington Post*, having provided vetting, training, and oversight was a way to demonstrate that basic precautions had been taken.

The way that these Congressional conditions were interpreted, and even expanded upon, also appeared to reflect DoD SOPs and approaches to partner forces. Some of the controls, like basic training on laws of war, or monitoring to check against potential use of child soldiers (evidence of which would trip country-wide funding cuts under the 2008 Child Soldiers Prevention Act) had become a regular part of DoD partner assistance. Moreover, many of the program restrictions and guidelines appeared to reflect an evolving lens or approach for “hold” forces like the TMF. The program restrictions and design of the TMF appeared closer to the model of local, bottom-up counterinsurgents that infused the ALP than the *sahwa* forces that preceded it. Interviews with DoD officials and US military officers who worked with the TMF suggest that this was indeed how they viewed the program (Interviews #76, 78, 15). Those working with the TMF program tended to describe it as a community counterinsurgency or stabilization initiative, as a potentially more palatable and equitable ‘hold’ force in Sunni tribal communities than Shi’a-dominated Army or PMF units might offer, and even as a form of “grassroots reconciliation” (Interviews #P1, 76). The overall program model reflected the sort of controls and cautions that were deemed appropriate for this type of local defense force, from training and oversight designed to reinforce good conduct and “good

governance” approaches, to program guidelines intended to keep the force small and defensive in nature, as befitted US ideas about counterinsurgency or ‘local watch’ forces. For example, one DoD official with past Iraq, Afghanistan, and Syria experience, offered the following as an illustration of how past learning influenced the TMF:

The best thing you can do – other than not arming them – is don’t make them too big. Select people who don’t have a past record of abuse – just looking into who you’re working with. Prefer people who are local working in [those] local areas ...Relying on different groups, which creates a check, or giving the community an ability to check. (Interview #15)

The TMF in many ways reflects an attempt to realize such best practices. None of these program elements or conditions were demanded by the stakeholders in the post-2014 moment, for example, as they had been during the initial ALP bargaining. Instead, they appeared to reflect the evolving approach and SOPs for this type of force model.

Taking such evidence and considerations as a whole, the Syria debate may well have called attention to the issue of constraints and controls. The explicit inclusion of such constraints in the Syria portions of the anti-ISIL funding legislation may have prompted some degree of detailing on the Iraq side. However, even had they not been explicitly mandated in the Iraq legislation, such control mechanisms would likely have been adopted in implementation because they were the sort of standard program guidelines, risk mitigation, and due diligence measures that had become relatively routine with such forces. As a whole, the US controls appeared to be prompted by common legislative and bureaucratic assumptions about what was appropriate for a “hold” force like this, a reflection of evolving SOPs and accountability measures that might be considered part of a common approach.

In sum, while bargaining was certainly not absent from the TMF, it does not explain many of the control mechanisms developed. The control mechanisms insisted upon and adopted on the US side appeared to be more pro forma, adopted because they appeared appropriate for this type of force, than because any particular constituency – Iraqi or American – thought they were important for constraining the force in question. Even with the US-Iraqi bargaining, it was more of an echo of the prior *sahwa* debate, than the sort of high-profile political standoff or compromise described in prior case studies. A significant part of that was the changed circumstances, and also the ultimately marginal role that the TMF would play in post-2014 security dynamics. But it also appeared due to the different policy moment in question, and the architecture of norms and practices surrounding these forces in 2014, compared with 2007.

The Afghan National Army-Territorial Force (2018-present): A Reformed ALP

By 2017, continued security threats from the Taliban and an Islamic State branch in Afghanistan, and the looming drawdown in international forces and funding, created the demand for a way to reinforce the Afghan Army but at a more sustainable cost. In response, by late 2017, the Afghan President and the US military command in Afghanistan (now operating under the mission name Resolute Support) again turned to the idea of local forces (Mashal 2017; SIGAR 2018b: 99; Townsend 2019).⁴⁰

At this point, building local defense forces was a well-trodden path. All of the US forces and advisors behind the ANA-TF had also helped develop and build the ALP, from the commanding general down to some of the same RAND advisors. Moreover, given that the ALP (which still existed) had been going for seven years, eight if the preceding pilots are considered, all of the Afghan leaders and ministerial officials had ample experience with this sort of force. As a result, when it came to developing the ANA-TF, US and Afghan officials largely reached for the ALP blueprint, including its multi-layered control mechanisms. There was the same (at least rhetorical) emphasis on community checks and controls. There was the same tri-party vetting or scrutiny by the Afghan government, by US regulations and institutions, and by communities. There were similar codes of conduct and restraints on ANA-TF forces, including that they would only operate as defensive “hold” forces, limited to their home areas. As with the ALP, ANA-TF members would receive a training on these rules, and on human rights and laws of war. There were also the same potential sanctions, cut-offs obligated by the Leahy law where Gross Human Rights Violations manifested, and Afghan disciplinary procedures or criminal prosecution.

To the extent that they modified or tweaked this existing model, it was intended to rectify issues that had arisen with the ALP. While US military officers argued that ALP forces had proven to be crucial local stalwarts in some areas, many (if not most) ALP units were problematic, preying upon the local population, spurring local conflict, or enabling warlords and criminal networks (Interview #146, 147, 149, P13, P15, P17). It was the same consequences that opponents of the ALP had warned about in 2009, now metastasized across a nationwide force. US officials and advisors viewed this record not as evidence that control mechanisms would not work, but argued that the controls had not been fully implemented (Interviews #111, 13, 94, 95, 141). Due to security pressures, the ALP was forced to more than double from 2009 to 2012. A goal was set early on to expand the force to tens of thousands – ultimately to just under 30,000 by 2013 – within the first few years. This created pressure to mobilize each unit as quickly as possible and limited the time and resources available to apply most of the controls, including those involving

⁴⁰ Local forces were estimated to cost some 45 percent less than regular ANA units (SIGAR 2018b, 99).

careful site selection, force recruitment, community consent, training, mentorship and oversight (Clark et al. 2020). For example, in some cases, SOF personnel had no more than a week in a community to identify and mobilize a force, which made it virtually impossible to have the sort of careful, community selection processes originally envisioned (Interview #106, 78, 95). In addition, with the pressure to expand the force to more areas in Afghanistan, site selection became more dependent on what was deemed a strategic location than whether the right ingredients of community buy-in or support (essentially for community controls) were there (Interviews #94, 95; Moyer 2014: 62–68; Clark et al. 2020: 27–28). Rather than acting as an institutional brake, the Ministry of Interior had proven to be a conduit for corruption, and powerbrokers and politicians easily used the ALP program to fund their own parochial militias and patronage networks. Even ALP units that avoided these pitfalls, and had community backing and a dedication to fight, tended to be disconnected from larger institutional support and over time were outflanked or overpowered by the Taliban.

To the extent that there were differences from the ALP to the ANA-TF model and controls, they were largely motivated by a desire to prevent these pitfalls from recurring (Interview #94, 111). The control mechanisms of careful recruitment and vetting, and avoiding problematic site locations were kept, but reinforced and for the most part implemented with greater dedication (Clark 2020).⁴¹ For example, the ANA-TF site locations were selected according to a much stricter set of location criteria and surrounding process discussions. The initial site selection took place only after months of deliberation, whittling the number of sites deemed acceptable from 40 to nine (Interview #74). Other elements of the ANA-TF program design and controls were modified to encourage greater “institutionalization and accountability” (Interview #94). Instead of the MoI, the new forces would be instituted under the Ministry of Defense (MoD), which had a stronger reputation for accountability and prided itself on having a professional military force. There would also be a longer period of training, and efforts to integrate the ANA-TF more deeply into the regular ANA processes. In sum, even the innovations and modifications in the ANA-TF controls were derived from the legacy effects of the ALP, an inherited model of both what to do and what *not* to do, as one of the RAND advisors portrayed it (Interview #94).

There were some demands made by the MoD – the only significant bargaining contention or demand within the ANA-TF’s development. MoD leaders resisted having

⁴¹ The exception to this surrounded the actual implementation of community controls. Although the idea of having community accountability and embeddedness was still rhetorically important, there were fewer community vetting, selection, and oversight processes built into and enacted through the ANA-TF model.

the ANA-TF initially, arguing that they did not want ‘militias’ polluting their professional army ranks (Interview #74, P21). After months of discussion, MoD officials agreed to host the ANA-TF, but only if there were greater institutional controls that would make the ANA-TF closer to a professional force. Such control mechanisms or design modifications included a longer training and indoctrination period (equivalent to regular ANA forces); that the commander of each ANA-TF unit be a regular ANA commander (as opposed to a local commander or community leader); and that the more regular processes of MoD recruitment and force management be applicable to the ANA-TF (Clark et al. 2020, 66). These MoD demands might be considered a bargaining request; however, since MoD concerns about preventing militias and unprofessionalism in its ranks dovetailed with US officials’ desire to avoid the ALP’s missteps, it was bargaining without much resistance. Both sides readily embraced the idea of a more institutionalized force, such that it was less of a compromise than a mutual collaboration of concordant views.

What of other potential bargaining actors or points of division? The same coterie of actors that had raised concerns about human rights and militia empowerment in the ALP reacted similarly to the news of a new LHSF program. The first story to leak news of the planned force was headlined “U.S. Plan for New Afghan Force Revives Fears of Militia Abuses” (Mashal 2017), while immediate NGO reactions and commentary disparaged the idea as “militia déjà vu” (Clark 2017b). NGOs and UNAMA representatives (who incidentally included many of the same individuals involved in the ALP authorization debate) followed a similar course as they had with the ALP, raising objections and concerns either publicly or through private meetings with the officials and forces involved (Interviews #31, 32, 21). In response to such critiques, proponents of the ANA-TF followed a similar script to that of the ALP bargaining debates, defraying concerns by pointing to the existing controls and the efforts to reinforce them.

This is not to suggest that the dialogue between those developing the program and outside critics was insignificant. It likely reinforced the perceived need to keep or even strengthen checks and controls. However, it was much less generative of new controls or program modifications than in the initial ALP debate. The control mechanisms that were generated in the bargaining over the ALP – demands for training on human rights or laws of war, vetting based on past human rights abuses, or program limits intended to decrease the risk of them becoming mobile militias – were already built into the model before outside opponents raised a single objection. At this point the objections and risks to this type of initiative were well known, as were the control mechanisms deemed appropriate to respond to those critiques.

Most of the control mechanisms in the ANA-TF were due to ALP legacies; however, there was also some evidence that ANA-TF controls were influenced by evolving

assumptions and SOPs for LHSFs. For example, when asked what kind of constraints would be placed on the ANA-TF given the past record of ALP abuses and capture, the lead DoD official at the US Embassy at the time (who notably had not had prior ALP experience) responded in almost a knee-jerk reaction that there would be standard precautions like Leahy law vetting, counterterrorism or “CT vetting”, and also the Afghan government input and “vetting at the local level” (community vetting) (Interview #P25). His rote response was indicative of the fact that at this point such measures had become fairly standard or automatic within such programs. Even the language used indicates a hardening of these due diligence prescriptions, as terms like “CT vetting” became a standard part of the bureaucratic lexicon for State and Defense Department officials. While security concerns were part of the ALP background checks, the original ALP debate discussed them as screening for Taliban or warlord connections, with no references to the “CT vetting” that had also manifested as standard in US vetting in Iraq and Syria (CFSOCC-A 2010; 2011; Saum-Manning 2012).

It is notable that these assumptions and SOPs carried over despite the change in administrations. Most of the case studies discussed so far emerged under the Obama Administration, whose more lawyerly approach and greater concern for accountability may have contributed to attention toward control mechanisms. The Trump Administration was not marked by the same characteristics, but at this point in the cycle, these procedures and checks had become so standardized within the bureaucracy’s toolkit, that the change in administrations appeared to make little difference.

The overall description of the ANA-TF suggests a force whose parameters and control mechanisms were largely already part of an accepted, existing model, with some slight tailoring to institutional partner requests and force requirements in Afghanistan. As one of the RAND advisors to the force recalled, the model for the ANA-TF was fairly “intuitive.” “We spent more time thinking about ‘don’t do this’ than the ‘do’s’” she noted (Interview #94). Bargaining was not completely absent, but was substantially overshadowed by the legacy effects of the ALP and background expectations surrounding local forces. At this point in the cycle of LHSF partnerships, consistent demands from the DC bureaucracy on things like the Leahy law and CT vetting had cohered into part of a common menu of controls.

Interactions between Bargaining, Legacy Effects, and Internalized Standards

The discussion of the TMF and the ANA-TF suggest that legacy effects from prior experiences in the same countries could play an important role in shaping subsequent forces. These did not nullify the effects of bargaining, but they tended to shape the nature of it by influencing the tactics, demands, and scripts within such exchanges. Bargaining

resulted in control mechanisms that replicated those in prior LHSFs or responded to past challenges with those LHSFs.

The interaction between such bargaining and legacy effects explains many of the controls brought to bear in the TMF and ANA-TF scenarios, but not all of them. There was also evidence of an approach cohering within the US bureaucracy that would be applied regardless of the particular country legacies, dynamics, or bargaining demands. Together with the reflections in the Syria chapter, this suggests an evolving common approach to risk mitigation. Although it would be hard to argue it was standardized to the point of being a fixed policy or template, at least by 2014, the following risk mitigation measures were part of the standard menu or options for responding to perceived risk and accountability issues with LHSFs:

- human rights and counterterrorism-related vetting
- provision of standards via training, code of conduct, or other established redlines; standards including some basic awareness of key human rights and laws of armed conflict obligations
- oversight and monitoring, including remote monitoring and tracking, co-location and US force mentoring, or institutionalization in the host state
- enforcement measures, most often to be blocked from US funding and support, but sometimes also other checks and balances or incentives.

The subsequent sections will discuss whether this common approach might be considered universal, and in what situations it might manifest.

Exceptions to the Rule: Covert Partnerships & Counterterrorism Modalities

While the previous case studies have suggested the emergence of a common bureaucratic lens or approach to LHSFs – particularly in Iraq and Afghanistan – there are some significant exceptions to this emerging rule. In the same countries, and over the same period of time, up to the point of writing, there have been other LHSF partnerships that do not appear to fit this pattern of risk mitigation. LHSFs acting as auxiliary forces on covert counterterrorism or intelligence missions have not appeared to be subject to the same panoply of control mechanisms. Although the information surrounding these forces is sparse given their classified or covert nature, it is important to briefly discuss the available evidence because it suggests some limitations to the spread of this “common approach.” Rather than contradicting the idea that there is an evolving common bureaucratic response to LHSF risks, it narrows the scope of what types of forces this control-heavy approach applies to. In addition, the factors that distinguish this smaller subset of counterterrorism auxiliaries (the term used generically hereinafter, regardless

of whether they are attached to Special Forces or intelligence units) lend further insights into what characteristics or dynamics might trigger heavy controls.

Afghanistan: Counterterrorism Pursuit Teams and '01' Forces

From the initial invasion of Afghanistan up to the present, CIA agents and Special Operations Forces have frequently turned to Afghan militias and irregular forces, relying on them as auxiliary forces on counterterrorism and intelligence missions (Long 2016; Giustozzi 2012; Mashal 2018; Suhrke and De Lauri 2019). From the earliest years following the US invasion through 2012, there were common reports of brutal nighttime raids and detention operations carried out by non-uniformed or irregular Afghan militias accompanied by a small number of US agents or forces. Afghans tended to refer to such forces as “campaign forces,” but reporting based on internal accounts have referred to them as “Counterterrorism Pursuit Teams” (Naylor 2015: 353–68; B. Woodward 2010: 8). Distinct subunits or forces of these Counterterrorism Pursuit Team cohered in specific geographic areas, most prominently the Kandahar Strike Force in Kandahar province, the Afghan Security Guards in Paktika province, and the Khost Protection Force in Khost province (Cavendish 2011; Naylor 2015: 353–65). Many appeared to be co-located on US bases, for example, with the Kandahar Strike Force based at Camp Gecko, a CIA and Special Operations base in Kandahar province. Reports suggest that these units were directly selected and controlled by US Special Forces and intelligence operators, and received substantial training and instruction from CIA officers and US Special Forces units (Trofimov 2013; Cavendish 2011; Naylor 2015).

These Counterterrorism Pursuit Teams were active until 2013, when President Karzai pressured for forces outside the Afghan chain of command to be demobilized (Nordland 2013; Graham-Harrison 2013). Although they likely never entirely went away, reports of these forces decreased for a few years. Then from 2015 on, in response to the emergence of the Islamic State in Khorasan, US counterterrorism missions in Afghanistan rose. Since 2016 there have been increasing reports of a new iteration of US-linked covert paramilitary forces, known as “01” and “02” forces for the military code assigned to the regions in which they operate. Similar to the prior “campaign forces,” these clandestine militias engage in nighttime raids, which often smack of dedicated assassination campaigns. The degree of international forces’ participation in these operations is unclear, but public reporting and interviews suggest that the overall units, and substantial selection of targets, are directed by CIA or “black ops” Special Forces, outside of the regular Afghan chain of command or Resolute Support targeting processes (Quilty 2020; Interviews #114, 124, 116). There have been reports of these 01 and 02 units being accompanied by US personnel in some raids, and of their being able to call in US airstrikes (Quilty 2020; Purkiss, Fielding-Smith, and Feroz 2019).

The patterns and available evidence suggest enduring and quite close relationships between US forces or intelligence agents and some of these groups. The same commanders, group names, and local mobilization patterns recur for nearly two decades. That length of time, plus the reports of direct training by US personnel and co-location with US forces, suggests that there have been ample opportunities to develop and exert any number of control mechanisms. However, while training may have been provided to improve these units' tactical and operating efficiency, their conduct suggests that there has not been the same focus on conduct-based or human rights controls. Substantial reports of war crimes and human rights violations have accompanied each iteration of these forces, from extrajudicial killings and detention, to torture and ill-treatment on a systematic basis, to indiscriminate or unruly behavior vis-à-vis civilians, including collective punishment (Raghavan 2015; Jolly 2015; Gaston and Clark 2017; UNAMA 2015b; Aikins 2013). This trend of limited or no controls appears true up to the present. The so-called "01" and "02" forces that have emerged since 2016 are often described as "CIA death squads" and demonstrate similar patterns of extreme violence in their operations, in some cases rising to the level of war crimes, (Gossman 2019; van Auken 2019; Purkiss, Fielding-Smith, and Feroz 2019; Quilty 2020). Those tracking these forces suggested there was no evidence that these forces had ever been held to account or penalized, despite overwhelming and very unit-specific evidence (Interview #75). Far from seeking more controlled and rights-compliant behavior, such a record suggests that the US has used these forces in ways that mirror more standard assumptions about why states outsource to paramilitary forces and militias – as a way to outsource their dirty work and defray accountability or reputational costs for abusive behavior.

In sum, if there has been a trend toward adopting a range of control mechanisms, including those that might restrain unruly or abusive behavior, induce accountability toward communities, or contribute to a stronger state institutional command, these counterterrorism auxiliary forces have been the decided exception to that rule. It is particularly notable that there has been such a sustained exception in Afghanistan, a country that has otherwise provided some of the strongest evidence of trends toward greater restraints and controls.

Iraq: Cross-border Auxiliary Forces

A different standard also appeared applicable for counterterrorism-related auxiliary forces mobilized concurrently with the TMF in the campaign against ISIL. In and amidst the tribal mobilization happening for the TMF, US Special Forces also identified those whose tribal affiliations and territory crossed the border into Syria, and groomed them as auxiliary forces for cross-border counterterrorism operations (Interviews #34, 45, 108). The exact patterns and control mechanisms applied to these forces can be difficult

to segregate because these tribal auxiliaries also took part in TMF-organized operations, and received material and salary alongside other TMF units who were not operating in this counterterrorism auxiliary capacity. However, the counterterrorism auxiliaries appeared to be treated as a distinct subset, with different partnering modalities, rules, and equipment and training (Interviews #108, 34). US officials working on the TMF program noted that the overall program restraints and conditions (including those we might frame as control mechanisms) applicable to the broader TMF did not appear to apply to this subset of cross-border tribal auxiliary forces. For example, the auxiliary tribal forces were not subject to the same Iraqi government-imposed selection, and they appeared immune to Iraqi-administered command and control or oversight. In addition, they appeared to have a different source of funding. When some of the other resources for weapons and salaries for the TMF diminished after the Anbar campaign, these forces continued to receive support. Similarly, when training for the TMF had all but stopped, these select groups continued to receive training, not only by US forces but also by Danish forces (Interview #108).⁴²

They also did not appear to be automatically subject to the same US vetting and oversight that the rest of the TMF were subject to (Interview #108). Congressional officials noted that the Leahy law or other legislative prescriptions like those attached to the broader Train and Equip funding would not apply to forces funded through the so-called “127e fund,” which is the most likely source of funding for these Iraqi counterterrorism auxiliaries (Interview #108, 89, 93).⁴³ Even though not formally required, it is possible that SOF imposed additional constraints, for example Leahy-like vetting, on a policy basis. This is difficult to verify one way or another given the secrecy surrounding these forces. Further, the scant public reporting from these border areas, and the fact that these cross-border auxiliary forces were intermixed with other TMF, makes it hard to draw inferences based on distinct conduct patterns. However, given the overall tone taken in counterterrorism operations in Iraq, a stronger assumption would be that where they were not required, conduct-based control mechanisms were not applied to these counterterrorism auxiliaries. For example, US SOF’s main and long-standing partner, the Iraqi Counter-Terrorism Service, engaged in repeated and significant legal violations throughout the anti-ISIL campaign, most prominently torture and mistreatment of suspected ISIL detainees. If US Special Forces were unwilling or unable to constrain the

⁴² This may have been because Danish forces appeared to have more permissive caveats and force restrictions, which allowed their Special Forces to operate cross-border in Syria.

⁴³ There is no public reporting on where the 127e is used annually, and Congressional and Executive branch officials privy to such information are not permitted by law to confirm whether 127e were used in a given country, or for a given force.

abuses of their closest partners – moreover, those with a level of command and control that might have made disciplinary responses possible – it seems unlikely that they would demand higher conduct standards from irregular tribal partners.

Force Distinctions and Bargaining Triggers: Differing Menus of Controls

While knowledge of the control mechanisms deployed with these covert auxiliary forces is inevitably limited, the available information suggests that they were not subject to the same panoply of risk mitigation measures discussed with other LHSF examples, particularly those related to laws of war or human rights obligations. One interpretation would be that this evidence refutes the idea of any common approach or standards for regulating and constraining LHSFs. However, a closer look at what distinguishes these forces from the LHSFs in prior case studies suggests instead that there *is* a larger trend toward controls, but that these counterterrorism auxiliaries represent an exception, at least so far. The exceptional treatment appears to be in part intentional, but also derives from the fact that the different contexts in which these forces are used, and the differing operating modalities surrounding them, have been less likely to trigger bargaining demands or institutional constraints. As such, rather than detracting from the idea of an emerging approach, this analysis of the exceptions reinforces the significance of bargaining and institutional lenses or niches. It also adds further nuance and insight into the factors that contribute to the mainstream practice.

As a starting point, the lack of extensive conditions and risk mitigation measures for counterterrorism auxiliaries has been partly a deliberate policy choice. The length of the partnerships and close cooperation in evidence with the Counterterrorism Pursuit Teams in Afghanistan (and their successor 01, 02 forces) suggests that the level of controls or regulation were not the product of short-term expediency or lack of manpower or leverage to develop and apply controls, but were deliberate choices. A degree of intentionality can also be read in the “no strings attached” tenor of 127e funding, which up until 2021 had enjoyed minimal reporting requirements and none of the congressional strings seen in other regular Train and Equip funding lines. There were some signs that this might change in the future. Congressional staff noted that there had been ongoing discussions about whether to attach more conditions to SOF funding like the 127e funds – for example, extending the Leahy law to it, or other additional reporting requirements (Interviews #89, 93).⁴⁴ Reflecting such growing concerns, the Fiscal Year 2021 funding through the NDAA, which passed in December 2020, for the first time introduced a human

⁴⁴ The 127e fund does not lack any oversight or control. For example, SOF are supposed to give a 15-day notification to the relevant Congressional committee before initiating use of it, and also informal oversight in the form of monthly meetings, and questioning back-and-forth about ongoing missions (Interview #89).

rights-related condition on the 127e funds, requiring DoD to report on “steps taken to ensure that the recipients of support have not engaged in human rights violations” (NDAA FY2021: sec. 1051). However, as concerns the period in question, prior to 2021, there were very few constraints attached to these counterterrorism funds.

Both Principal-Agent theory and the larger literature on why states delegate to paramilitary groups provide ample reasons for why the US might deliberately maintain a less restrictive “gloves off” approach for covert counterterrorism partners. States frequently delegate security tasks to paramilitary or irregular forces as a way to outsource the “dirty work” of violence (Mitchell, Carey, and Butler 2014; Carey, Colaresi, and Mitchell 2015; Ahram 2011: 14–15). The more covert or clandestine the partnership the greater the degree of plausible deniability, which allows states that care about human rights norms, reputational costs, or the likely geopolitical repercussions of such interventions to avoid or mitigate these consequences (Groh 2019: 44–45; Marshall 2016). These more covert and shadowy US partners would seem to typify such expectations, particularly the patterns surrounding the alleged “CIA death squads” in Afghanistan. Efforts to rigorously regulate the conduct of such forces might not only create a stronger linkage with the forces in question, eroding the plausible deniability, but would also undermine the purpose of the delegation where the goal is to outsource higher levels or unacceptable means of violence.

An alternate explanation is offered by Principal-Agent theory, which might view such unsavory violence not as the objective of the delegation (the ‘outsourcing the dirty work’ hypothesis), but as an unavoidable side effect. Principal-Agent theory expects a lesser emphasis on control mechanisms in high priority delegations, or where there is a more limited selection pool, both of which apply in this situation. These auxiliary and surrogate partnerships are accorded extremely high priority because they allow the US to pursue global counterterrorism objectives (itself among the highest political priorities) with few costs (few US forces on the ground, much less public attention, and correspondingly fewer political constraints). In addition, fielding highly competent militias who could maintain operational secrecy is an incredibly specialized task, and would draw from an even more limited selection pool than other LHSFs (a selection pool that is already quite limited). On this view, the fact that these forces come with higher rates of abuse or other costs and consequences is tolerated because of what they deliver, and the limited options for otherwise pursuing these highly valued counterterrorism objectives.

However, this Principal-Agent theory view – that slack was tolerated and controls not pursued because of the costs and benefits inherent in the situation – begs a second question, which is why the same factors that derailed the expectations of Principal-Agent theory in the other LHSF case studies did not do the same with these counterterrorism

auxiliaries. Many of the other LHSFs were also indispensable partners, enabling less US troop exposure in high priority security situations, and in situations with limited options for viable partners. However, as the prior case studies illustrated, in case after case, bargaining dynamics and institutional demands and expectations for risk mitigation led to the adoption of control mechanisms. The difference with counterterrorism auxiliaries appears to be that their profile, size, and the way they are regularly deployed tends to regularly circumvent the sort of patterns and situations that led to bargaining demands.

First, the level of secrecy and areas and contexts in which these forces operate limits public and policymaker awareness of these forces, foreclosing potential bargaining moments and the sort of broad-based public pressure that might lead to accountability demands. Most of these counterterrorism forces operate in areas where insecurity blocks outside access. That plus the covert or classified nature of these operations limits the level of outside media coverage or reporting. With this limited level of public and even internal US government knowledge about these forces, the sort of stakeholders who were successful in raising objections and bargaining for controls in other LHSF situations – for example, Congress, human rights NGOs, or other Executive Branch departments – would have fewer opportunities to do so. The secrecy surrounding these groups might also neuter the potential for bargaining with the host country, where host country leaders were not kept privy to the full scope of operations or where the partnership was so small or secret that it failed to generate domestic pressure to rein these forces in.⁴⁵ Limited prospects of public disclosure might also limit the prospect of those within the bureaucracy adopting controls, even absent bargaining pressures or a requirement to do so. In the Syria cases, most of the control mechanisms were not required but were adopted voluntarily because of the fear of being held to account publicly should risks manifest (the “Washington Post” test). For these very discrete, hard-to-uncover, and largely unknown counterterrorism auxiliaries, such public scrutiny would be less likely, so there was less of a need to adopt due diligence precautions.

The way that counterterrorism auxiliary forces are buried within larger “by, with, and through” operating pattern further limits the sort of attention that might generate objections or constraints from other players. Since 2001, SOF and intelligence agents have pursued counterterrorism targets and objectives in dozens of countries worldwide. By 2017 SOF were operating in over 130 countries annually (U.S. House 2017; Terse 2018), with ongoing operations managed “across 80-plus countries” on a daily basis (U.S. House

⁴⁵ This would not be true in all cases. For example, there has been evidence of Karzai pushing back against some of the CIA and “Other Government Agencies” forces in Afghanistan. In 2012 he appeared to force the disbandment of several of them, at least temporarily (Trofimov 2013).

2017: 3). They frequently do so with the sort of auxiliary forces discussed above acting as force multipliers or as surrogate forces (Mazzetti 2014a; Mazzetti, Gettleman, and Schmitt 2016; Callimachi et al. 2018; Rempfer 2018). Because there is such a volume of these small auxiliary support partnerships happening on a global basis, not all of them catch congressional attention or trigger substantial internal debate. For example, after US special forces had been killed alongside partner forces in Niger in October 2017, one news headline aptly summarized the degree of public and congressional awareness, asking, “Why were US soldiers even in Niger?” (Carter and Swick 2017; Callimachi et al. 2018). As one congressional staffer offered, “12 guys in a desert in Niger gets less attention than 30,000 guys in Syria” (Interview #92). In addition, he noted, neither Congress nor the public has the capacity to keep track of so many global operating spaces in a way that might result in meaningful controls. “Surrogate and proxy wars are very gray areas. Most folks on the Hill don’t have enough time to understand the situation and dynamics,” in a way that would allow them to develop “tailored conditions,” he said (Interview #92).

A second factor is also implied in the quote above about “12 guys in a desert” and that is that the size of these forces matters. The degree to which such secrecy and low attention can be maintained depends not only on the covert or overt nature, or the operating modalities, but on the scale of operations. During the early days of the *sahwa*, Petraeus and other commanders tried to dissimulate or hide the significance of the initiative so as not to spark public criticism or Maliki’s ire; SOF in Afghanistan kept a close hold on the early local defense initiative pilots in 2009 to prevent their being blocked. However, at a certain point, these forces became too big to hide, and too large to be sustained without larger buy-in and approval. Emphasizing this point, one congressional staffer emphasized that it was important to think about the “different scale” involved, because the size of the force changes the profile and awareness of the initiative, and in turn the “risk calculus” surrounding it: “say you have Special Forces working with non-traditional units. If they’re building one unit – 50 to 100 guys – it’s different than working with 100,000 people” (Interview #92). The latter requires much more support, and funding, he noted, and “As the dollar amount goes up, then the restrictions go up. From working with one unit to working with tens of thousands of forces, the scrutiny can go from basic due diligence to a bevy of hurdles” (Interview #92). Once prominent enough to attract public scrutiny or large enough to trigger an authorization or expansion debate, they are more susceptible to accountability pressures and the sort of bargaining situations that can lead to control mechanisms.

Re-examining the one covert program discussed so far, the CIA support to the FSA, helps reinforce these distinctions between the sort of smaller counterterrorism auxiliaries discussed above, and larger and more prominent LHSFs. Although technically covert, the

CIA support to the FSA was so prominent that it was considered the “worst-kept secret covert action program in history” (Interview #135). Like other LHSFs discussed, it was too large to keep quiet, with some 20,000 forces eventually provided weapons or equipment by its closure (Balanche 2017). Cabinet officials referenced it in public testimony (Blanchard, Humud, and Nikitin 2014: 9). There were ample media reports of the program’s mechanics, the type of aid, and which groups were supported (Entous 2015; Heller 2016; J. Stein 2014). There were even Administration responses to allegations of abuse by supported partner forces (Heller 2016). As such, it was susceptible to some of the same public accountability pressures as other overt LHSFs discussed. In addition, the greater knowledge and attention to the program, even within the Administration generated a substantial bargaining moment. As documented in chapter IV, there was a nearly year-long authorization debate, during which objectors, first within the higher levels of the Obama Administration and then within Congress had ample opportunities to force concessions and controls (DeYoung 2013).

As prior chapters have illustrated, authorization debates can be a prime opportunity for control mechanisms to manifest. However, the modalities, funding streams, and approaches surrounding counterterrorism auxiliaries, do not tend to generate substantial authorization debates. Counterterrorism auxiliaries are generally small enough to be funded out of CIA and SOF funds (like the 127e funds), without the need for a larger, force-specific appropriation. SOF do not need to seek Congressional permission or higher-level authorization each time they pursue a target or engage in such auxiliary force partnerships. The US interpretation of sovereign self-defense would permit its forces and agents to pursue threats to US national security wherever they manifest, and the open-ended congressional authorization introduced with the 2001 Authorization for Military Force (AUMF) covers the domestic legal basis for most operations without needing further congressional approval.⁴⁶ Although there is annual and monthly reporting to Congress on these operations, such reporting tends to be at the level of general operating profiles and missions, and is not the sort of reporting that tends to trigger a specific authorization debate and questioning of the risks involved in any given auxiliary force. Moreover, because in many of these countries, SOF may partner with auxiliary

⁴⁶ Such statements are not intended as an endorsement of these legal positions or patterns of unrestrained global operations, which have been controversial (E. Gaston 2019). The point here is that each operation would not necessarily trigger an authorization moment or require specific authorization because such operations are assumed to already be covered by these domestic and international bases.

forces only for a one-off mission or short period of time, the operation may not even trigger the congressional notification requirements for the funds in question.⁴⁷

As a result, most of the smaller counterterrorism auxiliaries have not generated an authorization debate, which has limited the opportunities for potential critics in the Executive Branch or in Congress to demand additional controls. The recent imposition of constraints on the 127e fund under FY 2021 funding, which in addition to the human rights condition, also created additional reporting requirements, may lead to a shift in such bargaining dynamics (NDAA FY2021: sec. 1051). It may lead to greater Congressional awareness of specific operations and partnerships and the sort of authorizing moments or bargaining triggers that open the possibility for more conditions and constraints.

All of the above factors pertaining to why counterterrorism auxiliaries are less subject to bargaining and controls suggests some additional criteria and nuance to our evolving expectations of where control mechanisms might manifest with LHSFs. The prior case studies have suggested that more contentious bargaining situations are more likely to lead to a range of controls. This analysis suggests that these bargaining opportunities are more likely to arise in forces of a certain size and duration, because they are harder to keep quiet and need more support and buy-in across a range of US stakeholders, or with the host government in question. Similarly, for larger and more widely known forces, officials have to be more attentive to public demands for accountability, and the risks of domestic political constraints or reputation costs.

Outside of these bargaining considerations, there is one final element distinguishing counterterrorism auxiliaries, which relates to some of the institutional lenses and intentions attached to these forces. A strong theme of BPA is the way that foreign policy images or lenses can influence the way that decision-makers react. Such lenses can also apply to how a particular LHSF is viewed, how its costs, benefits and risks are assessed, and the tools or policy prescriptions deemed appropriate for that force. For example, the larger and more overt LHSF initiatives like the ALP or the TMF tended to be mobilized as “hold” forces or local “counterinsurgents,” to some degree even viewed as an exercise in “bottom-up” statebuilding. By contrast, counterterrorism auxiliary forces tend to be used purely as surrogate forces, “force multipliers” or intelligence assets, without a larger governance or political role.

Such ascriptions or lenses (whether accurate or not) matter because the bureaucracy will weigh the potential benefits of the force, as well as the costs and

⁴⁷ For example, the 127e fund requires a 15-day notification. However, the threshold for when such congressional notification is required is undefined so it might not be activated by each partner operation.

consequences, through these lenses. Conduct standards that are embedded in US counterinsurgency notions (for example, that of “population protection” or “winning hearts and minds”) matter more for a force seen primarily for its counterinsurgent value. The risk that a given force will seed local conflict, or that it is seen to hold significant coercive power outside of state control will be given greater weight for a force that is imbued with a governance or statebuilding role. The prior evidence suggests that such distinctions and lenses became even more important over time, as distinct expectations arose surrounding a particular type of force. As the TMF case study illustrated, by 2014 there was a set of expectations surrounding what were appropriate restrictions for “hold” forces that led to distinctions in the way these groups were treated from those of the cross-border counterterrorism auxiliaries operating in their midst. Beyond influencing the way that the costs, benefits, or risks of a force are weighed, these lenses might also influence the likelihood of controls by invoking either a wider or narrower circle of players. The wider the mandate ascribed to the force, the more likely that other parts of the bureaucracy or other stakeholders’ interests would be invoked, which might make bargaining dynamics more likely.

All of the above suggest a rule-but-exception framework – that there is an evolving common approach toward greater controls, and that bargaining has been significant in driving that approach, but that we should not expect to see it with all types of LHSF partnerships. The forgoing analysis carves out two categories of LHSFs:

- 1) counterterrorism partnerships – usually short-term, covert or secret, and small in size; they are used as auxiliary or surrogate forces in support of discrete intelligence goals or kinetic operations;
- 2) counterinsurgent or local defense forces – typically overt, larger, less specialized, and community-based forces; they may be mobilized to advance both security and other statebuilding, governance, or political goals.

The differing intentions regarding these forces, the differing institutional masters they tend to be managed by, and the covert or overt status set up different parameters in terms of the way such forces are approached, and different SOPs or scripts for regulating them. In addition, the differences in size and operating modality may augur for different menus of control mechanisms, even where the distinct lenses of covert counter-terrorism surrogates or counterinsurgency “hold” forces do not fit exactly. For example, there were some counterinsurgency (or arguably counterterrorism) motivations for the covert CIA support to the FSA, in that supporting more secular or “moderate” contingents of the FSA was thought to help balance out or diffuse the influence of insurgent or terrorist groups like *Jabhat al-Nusra* or ISIL. However, there were also some counter-Assad motivations behind the program, and a substantially different surrounding context that makes this CIA

initiative different from “hold” forces like the *sahwa* or the ALP. Nonetheless, in this case, the size and political prominence of the initiative triggered bargaining pressures that were more like those in the large-scale, overt programs, than in the other covert programs.

Finally, although counterterrorism and intelligence operations have so far been protected from risk mitigation demands, the recent amendment to the 127e funds suggest that they are not completely immune from this larger trend toward control mechanisms. It may simply be that, for all the reasons noted so far, it has taken longer for them to attract the sort of bargaining demands and momentum that would lead to such constraints. As time has gone on and there has been some greater degree of public and congressional attention to the practice as a whole, this might cumulatively lead to some demands for controls, of which the FY 2021 changes are the first piece of evidence. Such an interpretation, while necessarily preliminarily given the recentness of these developments, might further strengthen the claim that there is a growing trend toward imposing these sorts of controls on partner operations over time, even to the most clandestine relationships.

Conclusion

The first two case studies of this chapter illustrated how the prior bargaining debates and adoption of controls could influence later LHSF initiatives. In Iraq and Afghanistan, the *sahwa* and ALP initiatives had strong legacy effects for the TMF and ANA-TF initiatives. Policymakers saw the challenges in their respective country environments, as well as the potential solutions through the lens of past experience. When faced with exigent security challenges, they repurposed existing models of LHSFs in those countries. In doing so, they not only re-introduced prior models of mobilization, but also some of the scar tissue of past bargaining and debates, and some of the control mechanisms and lessons learned from those experiences. Such accounts suggest country dynamics and past experiences are important. But in both the TMF and ANA-TF cases, they were not entirely sufficient to explain all of the control mechanisms adopted. In both examples, there seemed to be an almost reflexive approach toward applying certain types of control mechanisms as the expected standards applicable for these types of forces, buttressing evidence of an evolving common approach.

The final set of examples, surrounding CIA and SOF auxiliary or surrogate forces in Afghanistan and Iraq suggests an exception to this evolving rule, with the counterterrorism auxiliaries largely exempt from the sort of control mechanisms and risk mitigation practices documented in other case studies. The reason that these forces appeared to be exempted appeared to be as much because the modalities and context surrounding these forces did not regularly trigger the bargaining situations or

accountability pressures that were forcing agents for control mechanisms in other LHSF case studies. This does not fully contradict the idea of there being an emerging common approach, but it suggests a limitation on it, to those LHSFs that rise to a certain size, and level of public attention and funding. Distinct views or lenses through which US policymakers viewed these larger categories of forces (as local counterinsurgents versus counterterrorism auxiliaries) further helped to rationalize and motivate the differing risk mitigation treatment.

Chapter VI: Mechanisms of Change and Socialization

The previous chapter demonstrated an evolving common approach toward risk mitigation, and offered that over time, many of the control mechanisms discussed in prior case studies had become internalized as the appropriate response to the risks involved in LHSF partnerships, at least to larger, overt forces. What practices, patterns, or processes might contribute to such internalization over time? What mechanisms or actors might enable policy transfer across countries, such that it is not purely a matter of legacy effects within one country (like those illustrated in Iraq and Afghanistan) but a matter of an evolving common approach, that would apply to similar LHSF dynamics or dilemmas in other countries or contexts?

This chapter explores these questions by looking to a group of actors that continued to press for control mechanisms over time, and across a range of landscapes and countries. Human rights organizations and transnational networks frequently advocated for human rights control mechanisms within specific authorization moments, for example, during the ALP authorization debate, but also pressed to institutionalize them as global standards, and to encourage their implementation in practice. The first case study will explore how such incremental, transnational advocacy shaped controls within the ALP over time. The second case study considers a related but distinct advocacy push, and explores how human rights networks' activism in both Afghanistan and other arenas contributed to the development of a globally applicable control mechanism, the Leahy law. Both examples help to explore how repeated calls for, and responses of, control mechanisms might contribute to internalization of this practice as a standard approach. The final section will consider what such pathways suggest in terms of mechanisms of change and socialization for control mechanisms.

Human Rights NGOs, Transnational Activists, and the Afghan Local Police

The discussion of the ALP in Chapter III focused on the way that the surrounding policy atmosphere and the nature of the players and bargaining dynamics in the initial authorization moment contributed to a heavy reliance on control mechanisms. Bargaining between proponents and critics led to a range of controls, including community selection and oversight, SOF mentoring and oversight, human rights training and other conduct restrictions, and Afghan institutional oversight and control.

In practice, many of these control mechanisms were never fully implemented. This is in keeping with much of the literature on implementation of foreign policy decision-making, which expects substantial “slippage” in practice (Clarke and Smith 1989: 165; also Schroeder and Friesendorf 2009: 140; Brighi and Hill 2008). One might expect that

controls inserted primarily to appease critics and push authorization forward, rather than because they were substantively valued by those implementing the program, would be the most likely to be dropped over time. However, this is not what happened with the ALP. The controls that SOF and their advisors had prioritized as core to the model – the community controls – were never fully implemented. Meanwhile, the human rights-related controls – which were given rhetorical importance but were not as central to US and Afghan officials’ interests – continued to be reinforced. Over time, the number and strength of human rights-related or conduct-based controls increased, to include longer and more detailed training on human rights and IHL; more specific program rules that prohibited engagement in activities that human rights advocates worried about (notably restriction from detention activities); more specific and frequently applied oversight mechanisms; and additional vetting and sanctioning requirements based on human rights conduct. Chart E below briefly summarizes the most important of these additional human rights-related or conduct-based controls.

Chart E: Developments in Human Rights-Related Controls for the ALP Over Time	
Initial Human Rights & Conduct-based Controls at ALP Authorization (August 2010)	Controls Added or Strengthened after Authorization
Training that includes basic human rights and international humanitarian law (IHL) concepts	Longer training, including greater specificity human rights and IHL
Program rules & codes of conduct restricting offensive operations, reinforcing good conduct	Adding additional restrictions, such as ALP engagement in detention operations (by March 2011)
MOI oversight & enforcement (authority to enforce MOI regulations and Afghan law; command oversight through Chief of Police)	Creation of ALP Monitoring and Investigation cell within MOI (mid-2012); gradual increase in investigations and prosecutions over time
SOF engagement and mentorship (implicitly would reinforce good conduct principles)	2012 rule for SOF reporting on human rights abuses and cut-off of abusive forces
Vetting: – Community vetting (presumed to select against abusive or predatory individuals / militias) – Afghan government background checks (filtering for criminality and drug abuse)	Leahy law vetting (and potential for blocks) applied to the ALP, at least from 2014 2012 changes in the vetting process to better capture a record of abuse or corruption; and re-vetting of over half of the force for such issues (UNAMA 2013: 43)

This is not to suggest that such controls were increasingly effective over time. Human rights accountability for the ALP proved as insubstantial as for other Afghan forces

and political institutions, due in part to poor implementation but also due to the surrounding political context and environment in Afghanistan (Clark et al. 2020; International Crisis Group 2015b; Giustozzi and Isaqzadeh 2011). The argument here is not *why they failed to work* but why they continued to manifest despite this. The enactment and implementation of human rights controls presented significant constraints and costs. Moreover, the challenges to exerting accountability over ALP units operating in remote and contested areas of Afghanistan were well known, and continued to be a hurdle throughout the lifespan of the program. Why despite this, did human rights complaints continue to be a significant issue throughout the ALP initiative, leading to an increase in the number and rigor of human rights controls over time?

To explore how human rights controls increased over time, it is helpful to examine the activities and tactics of those most dedicated to their expansion – human rights-oriented NGOs, international organizations, and civil society. As Chapter III discussed, NGOs, civil society, and international organizations like the UNAMA human rights unit were very critical of the local defense initiatives and the ALP. Criticism by this network of human rights advocates were taken seriously in the initial authorization debate over the ALP, almost to the degree of giving them an informal veto. In part this was because allies like Ambassador Eikenberry and representatives of other ISAF member countries insisted that their concerns be taken seriously. However, it was also because NGOs and civil society had a substantial role and influence in their own right in that moment in Afghanistan. If not directly at the bargaining table with Afghan and US officials, or other ISAF member countries, they enjoyed substantial indirect influence, and could shape the parameters of debate or some of the positions of these key players (Interviews #15, 130).

A useful framework for understanding the influence of such external, unofficial actors comes from the literature on how non-governmental actors, epistemic communities, or other transnational networks are able to shape foreign policy and contribute to normative change (Haas 1992; Risse 2002; Khagram, Riker, and Sikkink 2002). Transnational networks, organizations and activists use different levers of pressure and persuasion to shape foreign policy despite their lack of formal decision-making power or participation in formal bargaining. They might use information, evidence and documentation to shed light on an issue, to frame the debate, and to generate credible policy solutions; or engage those in power in regular dialogue and argumentation, to persuade them to implement a particular policy, reform, or position (Mertus 2008: 12–15; Keck and Sikkink 2014: 16–25; Khagram, Riker, and Sikkink 2002; Florini 1999: 584). By building relationships with more powerful actors, across different international and local policy spaces, they may strengthen avenues for persuasion (Price 2003: 583; Keck and Sikkink 2014: 2). In what Keck and Sikkink (2014, 24) describe as “accountability

politics,” NGOs or other transnational networks will also call for powerful actors to be held to account for existing policy commitments: “Once a government has publicly committed itself to a principle – for example, in favor of human rights or democracy – networks can use those positions, and their command of information, to expose the distance between discourse and practice.” They can then use other tactics of pressure or persuasion – for example public “naming and shaming” (Hafner-Burton 2008; Franklin 2015), or less public, continuous advocacy and engagement – to close that gap, gradually nudging change in practice.

The success of such tactics and activities may depend on the surrounding “opportunity structures,” and how open or susceptible the domestic or transnational policy environment is to external actors’ pressure to change (Tarrow 1996; 1998; Kitschelt 1986; Khagram, Riker, and Sikkink 2002: chap. 1). How diffuse or concentrated the decision-making structure is, and whether formal institutional structures or informal power dynamics lend themselves to outside input and collaboration may influence the openings that NGOs or other transnational actors have to advance their agenda (Risse-Kappen 1995b; McAdam, McCarthy, and Zald 1996; Evangelista 1999; Khagram, Riker, and Sikkink 2002: 18–20). For example, based on the evidence in chapter III, one might argue that NGOs had greater success in influencing the controls surrounding the ALP because the policymaking environment at that time included a diverse set of policy stakeholders. This plus the strong informal role played by NGOs, civil society, and international organizations, and an ideational framework more open to consultation presented more opportunities and leverage points for those seeking to influence the ALP. By contrast, there was little NGO influence on controls in the Iraq *sahwa* example, which was a much more closed and consolidated decision-making environment, with fewer opportunities or leverage points for outside actors.

Where the issue or field in question is “internationalized” – in essence, is governed or strongly influenced by transnational norms, processes, or bodies – there may also be more opportunities for transnational actors to exert influence (Risse-Kappen 1995b; Finnemore and Sikkink 1998; Larsen 2009). Risse-Kappen points to the fields of environmental regulation, international human rights promotion, trade and international economics, and even high-profile security issues like nuclear non-proliferation, as those that are more governed by international norms and processes, and have therefore provided more openings for transnational networks, organizations and epistemic communities to influence domestic policies in this realm (Risse-Kappen 1995b). One of the important advantages of transnational networks is that they are able to engage with both (or multiple) sides of a transnational policy process, the local and the international or transnational elements, eliciting pressure “from above” and also “from below” (Risse

2002). Thus, where an issue or policy hinges on a greater degree of international collaboration – for example, involving international funding, international political administration or negotiation – it may create an alternate plane or avenue for transnational actors to influence the policy process.

The activity preceding and surrounding the ALP reads as a textbook example of the strategies and tactics outlined above. Years of documentation, “naming and shaming,” and public advocacy helped shape the agenda and policy discourse in Afghanistan, such that by the time the ALP was proposed, concerns about the need to prevent unruly militias and civilian harm were already built into the parameters of the debate. Within the ALP authorization debate itself, NGOs and the UNAMA human rights reiterated such concerns through public or private advocacy, and also tried to leverage existing relationships with powerful actors in the Afghan government and the US military (i.e., with Karzai or Eikenberry) to either block the program, or at least constrain it (Interviews #30, 32, 150). NGOs also engaged in what Margaret Keck and Kathryn Sikkink (2014, 23-24) refer to as “leverage politics,” in which the activists link the issues with other “moral or material” consequences that are important to the officials in question. NGOs did this by linking concerns about ALP abuses to one of the pillars of the prevailing counterinsurgency at the time – population protection (see, e.g., UNAMA et al. 2010).

More importantly for the essential puzzle of this chapter – how did controls change or manifest over time – NGOs and their human rights allies continued to pursue these strategies even after the authorization debate. Most of the theorization about how NGOs, epistemic communities, or other transnational actors influence policy is premised on a long-term approach. A longer span of time allows transnational networks to pursue their goals in both discrete moments of change – for example, a debate over a proposed bill, or the ALP authorization debate – and also to try to gradually shift the “rules of the game” over time (Finnemore 1996: 23). This might be by promoting changes in institutional rules, structures or procedures, or by gradually socializing the norms and values in question among those in power (Mertus 2008: 13–16; Florini 1999: 583–84; Keck and Sikkink 2014: 25–26; Finnemore and Sikkink 1998). The argumentation, persuasion, and dialogue tools that NGOs or activists apply regularly to try to shift a given policy or position can have a socializing effect when deployed over a period of time, helping to shift the way the way that policymakers or institutions identify vis-à-vis an international norm, or how an issue is internally framed and dealt with in the bureaucracy (Risse, Ropp, and Sikkink 1999: 276; Keck and Sikkink 2014: 3–4). Moreover, advocacy transpiring over time also allows for incremental gains to be made in follow-through. For example, activist networks might first push for a law, policy, or principle to be adopted, but then also follow up by pushing for it to be applied and reinforced, through continued advocacy and

accountability politics (Keck and Sikkink 2014: 16–25; Mertus 2008: 12–15; Finnemore and Sikkink 1998: 895–97).

All of these tactics were on display throughout the life of the ALP program. NGOs, the UNAMA human rights unit, the media and other civil society or oversight institutions continued to document ALP abuses and the under-application of human rights or conduct-based control mechanisms, and to use that information and the evidence of gaps in practice to argue for stronger controls in public and private advocacy (UNAMA 2013; 2014; 2016; 2015a; Reid 2011; International Crisis Group 2015b; SIGAR 2018a; Clark et al. 2020). Keck and Sikkink (2014: 29) argue that for advocacy campaigns to be effective, “Target actors must be vulnerable either to material incentives or to sanctions from outside actors, or they must be sensitive to pressure because of gaps between stated commitments and practice.” Both were relevant for the examples in question. At least in the early days of the program, US forces, and also some Afghan officials, were sensitive to criticisms about shortfalls in the program (Interviews #15, 30, 130). Among ISAF officials, there was still this climate of counterinsurgency and its (self-defined) mission of improving “population protection,” and openness to NGO criticisms and suggestions about how to achieve those goals.

In addition, the NGO “naming and shaming,” and information and pressure tactics led to the sticks of threatened funding and bureaucratic pressure and criticism. Prominent media coverage of ALP abuses made the program a public liability, generating reprimands from senior DC-based officials and Congress. NGOs helped fuel that negative coverage and also lobbied congressional staff directly, bringing to their attention the evidence of war crimes and predatory behavior by ALP (and other Afghan forces), and their links with warlords and strongmen. As a result, not just at the inception of the program, but annually with each year’s budget consideration, Congress raised these issues and threatened to cut funding for the program (Interview #99). Continued NGO advocacy and media coverage of ALP abuses also foreclosed other avenues for funding, as parliamentarians in the capitals of other NATO countries foreswore any cooperation or support for it (Deutscher Bundestag 2011; 2013). It is notable that such potential sanctions were generated by exercising pressure points not just in Kabul, but in Washington, DC, and other donor capitals – an illustration of how NGOs and activists used their transnational position to increase pressure “from above” and “from below.”

This sustained political attention and pressure meant that the need to defray human rights criticisms with mechanisms like controls never fully went away. Whenever high-profile reports were issued or allegations of serious abuse surfaced, it would heighten attention to the program, and sharpen pressure for some sort of response, which often came in the form of new or tighter control mechanisms (see, e.g., SIGAR

2018c; 2015; 2018a; Clark 2017a). For example, a 2011 Human Rights Watch report (Reid 2011) documenting abuses by ALP members and other local defense forces generated such significant public and ultimately congressional attention that DoD was forced to launch a formal inquiry into the report allegations, a process that lasted over a year and resulted in a 1000-page report (Department of Defense 2011b; 2011a; Interviews #15, 31). As one of the responses to the report, General Scott Miller, the head of the SOF command in charge of the ALP program, issued several new rule changes, including that SOF partnering with ALP must report any allegations, and where they were significant enough, cease working with those forces (essentially a new sanction mechanism)(Saum-Manning 2012: 18 n. 54; Interview #15).

In addition to such public pressure and responses, the low-level, continuous, and largely private advocacy that is theorized as a lever for incremental change continued throughout the life of the ALP. NGOs, Afghan civil society and the UNAMA human rights unit regularly met with representatives from ISAF, the Special Forces command in charge of ALP, and with Afghan officials about abuses perpetrated by ALP units, and/or about the under-implementation of the accountability and control mechanisms. Such private and sustained advocacy resulted in the tightening of control mechanisms. For example, a coalition of international and Afghan NGOs, civil society groups, and UNAMA repeatedly pressed, both through public reporting and through private advocacy, for more detailed and robust human rights training, and for program restrictions on ALP engaging in detention operations (Interviews #30, 31, 32, 130; Afghanistan Working Group on Conflict-Related Detainees 2010). Restrictions to engagement in detention operations were added to the code of conduct and program restrictions. By 2014, training had increased from three to four weeks, and included greater specificity on human rights and ethics. A 2014 DoD report to Congress noted that this was designed to address “some of the ethical concerns about the ALP cited by international organizations” (Department of Defense 2014: 59).

The same NGO and civil society coalition also pressed for greater scrutiny and accountability measures. From the onset, and throughout the life of the program, they pushed for evidence that vetting measures excluded those with a past record of abuse. In response to such continuous complaints, UNAMA reported that in mid-2012 ISAF and the MoI re-visited the vetting process, tightening procedures going forward, re-vetting more than half of the then 18,000 members, and pledging a “more pro-active approach” to investigating misconduct and addressing abuses (UNAMA 2013: 43). In addition, UNAMA had led the call for “putting in place accountability structures/personnel to investigate complaints of [Afghan Local] police abuse within the Ministry of the Interior” (Afghanistan Working Group on Conflict-Related Detainees 2010; Interviews #30, 31). In response, in

mid-2012 the MoI created the ALP Monitoring and Investigation unit, essentially a new oversight mechanism, with more forceful sanctions attached to it (UNAMA 2013: 9). Once this unit was established, the advocacy goal changed to strengthening this oversight. UNAMA continued to meet monthly with officials in this new unit, referred cases of ALP abuses to them, and used such evidence to show gaps between the oversight mandate of the unit and the actual record of investigations and prosecutions. Over time the number of ALP members investigated and referred for disciplinary action or prosecution increased (see, e.g., UNAMA 2013, 44; UNAMA 2014, 10; UNAMA 2016, 67; UNAMA 2017, 49, 97).

One last important element is the way that pressure over time might contribute not only to successive changes in policy (in this case, an increasing number of controls), but to the socialization of a norm or idea (the idea of controls and accountability mechanisms as necessary) and its regularization as a mode of practice. An overt goal of NGOs in many of these advocacy campaigns is to shift the ways that those in power conceptualize their responsibilities, and to persuade them to embrace the norms and principles in question (Price 2003: 583; Keck and Sikkink 2014: 2). In part this might come about as the product of repeat engagement and persuasion. As Risse (2000; also Risse and Ropp 1999) has suggested, “words matter”: continued dialogue can itself have a socializing effect over time. In addition, NGOs can encourage internalization by pushing to encode these principles in a form of practice (Price 1998: 617; Florini 1999: 583–84; Finnemore and Sikkink 1998). Finnemore and Sikkink (1998: 902) see socialization and norm adoption as a multi-step process, with international organizations or NGOs first pushing for a policy or standard to be erected, then “teaching” how it should be interpreted and applied, and then pushing for further enforcement, application and practice over time. They offer the example of the International Committee of the Red Cross as a “socializing agent.” The ICRC first pressures states to ratify treaties or otherwise comply with IHL standards, and then follows up by teaching state forces or policymakers about the rules they have committed to, and collecting information and monitoring compliance as a way to “pressure violators to conform” (Finnemore and Sikkink 1998: 902). A similar example might be drawn from the description of NGO, civil society and UNAMA advocacy surrounding the ALP Monitoring and Investigation Unit: advocates first pushed for the principle of a regular accountability process for the ALP, and then once the unit was created, UNAMA and other NGOs worked with members of the unit to “teach” them about investigatory practices and regular accountability processes, and to pressure for enforcement. Richard Price (1998: 621) argues that this sort of “teaching” (citing Finnemore 1996) results in states not only learning the appropriate response or practice, but also learning to identify the behavior in question as problematic: “Both the problem and the solution are taught to governments, who come to see new practices as appropriate for themselves as members of international society.”

Once principles are embedded in rules, procedures, and practice, they can take on a self-reinforcing quality. Keck and Sikkink (2014: 35) argue that where NGOs (or other transnational actors) are able to pressure or persuade those in power to translate commitments into practice – which they defined as “the act of doing something repeatedly” – and where that practice becomes so routinized that it gains a “taken-for-granted quality” it can signal a deeper and self-reinforcing normative shift. In sum, when powerful actors not only commit to standards, but then the regular organs of a state are regularly reminded of those standards, and pressured to apply them routinely, those principles or practices may be gradually socialized and internalized within the bureaucracy.

Applying such theories to the activities of human rights advocates surrounding the ALP helps to identify a process by which controls might become socialized. Through more than a decade of sustained argument and persuasion, human rights advocates and NGOs helped to inculcate the idea that human rights accountability had to be addressed or responded to in some form. They not only taught that lack of accountability was problematic but consistently identified control mechanisms as an appropriate response. Each time abusive reports manifested, they would question why US funding was (still) going to perpetrators of war crimes or human rights abuses; why vetting had not taken place or been robust enough to screen out such forces; or objected that lack of robust human rights or laws or war training, or of regular institutional investigation of such abuses signaled a lack of commitment to legal obligations. This sort of pattern, repeated continuously over 10 years, might be analogized to a sort of “call and response” pattern, wherein NGOs, civil society, and other transnational activists regularly called for some form of human rights accountability, and adopting or strengthening control mechanisms became the appropriate response. Further, through this “call and response” but also through the sort of incremental pressure to enforce and apply commitments over time, they contributed to the enactment of control mechanisms as a regular part of practice.

The subsequent discussion of advancements in the Leahy law provides a more concrete illustration of NGO collaboration in nudging forward practice, and also how these internalized rule changes might contribute to policy transfer and adoption of control mechanisms on a broader basis.

Policy Assemblage, Socializing Practice, and the Leahy Law

As discussed in prior chapters, the so-called “Leahy law” prohibits US assistance from going to security forces of a foreign country who have committed gross human rights abuses. It does this by requiring that any unit or individual set to receive State Department or DoD assistance (save some exceptions) must be vetted against a database of known

human rights abuses maintained by the State Department's Bureau of Democracy, Rights, and Labor (DRL)(Serafino et al. 2014). Where there is "credible information implicating that unit in the commission of gross violations of human rights," the individual and their wider unit will be "blocked" from funding, unless steps are taken by the host government to hold them accountable, known as "remediation" (U.S. Department of State, 2018). Remediation could be satisfied through formal charges and prosecution for the individuals involved, or by vaguer processes, such as disciplinary measures, re-training, or re-organization of the unit (where only some are implicated) (GAO 2013: 6–7).⁴⁸

Importantly for this thesis, the Leahy law functions as both a vetting mechanism and as a sanction. In some countries, application of the Leahy law may also force a degree of monitoring, where oversight, investigation and other information gathering is necessary to carry out vetting obligations. In theory, an individual or unit could be blocked not only at the point of initial vetting, but also after passing vetting and receiving US assistance. However, it is important to note that in most countries where the Leahy law is an active issue, US Embassy officials (who are given lead responsibility for ensuring appropriate Leahy vetting in their country area) are not proactively monitoring to find such violations in the course of assistance, but wait for allegations to be brought to them (Interviews #P7, 10). To put this within a larger framework, a classic construct in Principal-Agent theory is that control mechanisms might either be enforced through "police patrols" or "fire alarms" (McCubbins and Schwartz 1984). In the former, the principal expends effort (or details agents) to actively monitor for slack or transgressions, while in the latter, the principal does no active patrolling but assumes that interested parties, for example, the media, interested NGOs, or citizens, will alert the principal where something goes wrong. In most places in the world, the Leahy law depends on fire alarms. This makes it all the more notable that in the Afghanistan examples to follow, and in some of the Leahy-like process discussed in Syria in Chapter IV, costly police patrols were adopted.

To help analyze why that happened, it is important to understand the changes in the Leahy law that took place from 2009 on. At that point, the Leahy law had existed for over a decade. The Leahy law was enacted as a regular provision of the US Foreign Appropriations Act in 1998. However, for the first decade of its existence, it was largely under-implemented (GAO 2013; 2006; 2005). The earlier versions of the law included more exceptions and a narrower definition of what constituted 'assistance,' meaning that it was not applied to many categories of US security assistance. There were also numerous

⁴⁸ State Department officials have a duty to inform the foreign government which individuals are blocked under the Leahy law, in order to give an opportunity for remediation. This is also intended as a forcing mechanism within US policy, to force US diplomats to raise these issues and perhaps spur a larger accountability discussion.

implementation challenges, and little pressure to apply it broadly. That would change from 2009 onward. Beginning with Fiscal Year (FY) 2010 funding, Congress appropriated more funds and support to allow DRL to operationalize Leahy vetting more robustly, including by building a new global database against which all prospective fundees would be vetted. Congress also amended the legislation to broaden the scope of activities, and clarify some of the ambiguities that had enabled looser enforcement (Serafino et al. 2014; U.S. House 2014b). DoD and the State Department responded with a series of memorandum or implementing regulations that would improve coordination and implementation of the Leahy Law (Mahanty 2017; Serafino et al. 2014). Among the most significant of these, in 2012 the State Department Office of Legal Affairs revisited the interpretation of “assistance” in the Leahy law, and determined that it applied to virtually any form of funding or programming, a much more expansive reading than in prior practice. Empowered with this renewed Congressional mandate and led by appointees who were dedicated to pushing it, DRL became much more active in pressing other parts of the State Department and DoD in how they were implementing the law.

What factors drove such reforms? To frame the post-2009 reforms, it is useful to look back to the context and actors surrounding the original creation of the Leahy law. Winifred Tate (2011) offers the concept of a “policy assemblage”⁴⁹ to capture how NGO and congressional collaboration, together with a more favorable policy moment, led to the creation of the Leahy law. Starting in the early 1970s, Congress began attaching human rights conditions to US military and economic assistance bills for countries with a long track record of abuses including Colombia, Argentina, Chile, and Uruguay (Mertus 2008: 29; Serafino et al. 2014). Congressional efforts to highlight such abuses and generate restrictions were significantly enabled by NGO documentation and advocacy. Transnational NGOs linked into grassroots activists and networks in these countries furnished credible documentation of abuses in countries like Colombia. This proved instrumental in developing legislation that would require US funding cuts to abusive units, the precursor to the Leahy law. Congressional staff, such as Tim Rieser on Senator Leahy’s appropriations committee staff, also invited NGOs to help develop public hearings, and even to review legislative funding provisions before they were introduced. In addition, Tate notes, such NGO and Congressional collaboration was happening at a moment that was more favorable to human rights expression in US foreign policy (Tate 2011; also Mertus 2008: 28–38; Halperin, Kanter, and Clapp 1974: 314–34). It was all of these factors and elements – the alliance between well positioned Congressional aides and activist

⁴⁹ Tate defines a “policy assemblage” as “the collection of heterogeneous, often incommensurate elements that come together for a period of time, sometimes quite fleeting, to produce a policy construct” (Tate 2011: 339 citing Greenhalgh 2008, 13).

NGOs, acting jointly at the right ideational flex point for change on this issue – that made the creation of the Leahy law possible.

A similar sort of policy assemblage might be identified in the post-2009 reforms to the Leahy law. Barack Obama's 2008 win, together with a Democratic majority in the Senate from 2007 to 2015, strengthened the hands of advocates for stronger human rights accountability. Senator Leahy, a democrat, had greater seniority on committees than he had enjoyed in the 1980s and 1990s; that plus the Democrats' majority position gave him even more power over appropriations bills and processes. In addition, with many human rights lawyers and activists in senior positions in the Obama Administration,⁵⁰ Leahy and other NGO allies could count on an Executive Branch that was much more open to the idea of greater Leahy law enforcement. NGOs for their part had long documented failings in the Leahy law (for example, foreign officials or forces who continued to receive assistance despite flagrant human rights abuses). They had commissioned research to identify issues in implementing the Leahy law (see, e.g., McNerney et al. 2017), and framed this information into specific requests for reform, either raising such concerns with Senator Leahy's staff, or with Executive Branch officials. Similar to the collaboration that had taken place on human rights riders and legislation proposed in the 1980s and 1990s (Tate 2011), NGOs reviewed proposed legislative amendments or internal rule changes before they were passed to provide feedback (Interviews #P30, 85).

Afghanistan played a particular role within the Leahy law expansion, similar to that played by Colombia and other Latin American countries in the earlier period of Leahy development. Afghan forces were a prominent example of abusive forces continuing to receive support. Active NGO campaigns – for example, the ample and high-profile media coverage of the ALP abuses – called attention to the gap between Leahy law commitments and practice. This generated pressure to apply the law, but also the fuel to do so, with the well documented examples of abusive Afghan forces providing test cases for the newly expanded Leahy law mechanisms (for example, the newly created database). NGOs and journalists began forwarding evidence of Afghan units and commanders implicated in gross violations to DRL, in an attempt to use the machinery of the expanded Leahy law to have them blocked (Interviews #P30, 31; Aikins 2011). While advocates focused on abuses by all Afghan forces, the ALP-related efforts and energy were an important part of this. As discussed in the forgoing section there were specific

⁵⁰ Specific to the Leahy law and its underlying principles, the former Washington, DC office directors for both Human Rights Watch and the Open Society Foundations – organizations that had long championed the Leahy law – were appointed to prominent positions in DRL. The chief State Department lawyer was Harold Koh, a law professor who had written extensively and sympathetically on human rights norms and promotion.

efforts to capture and document abuses by the ALP. In addition, those NGOs and transnational actors pressing for human rights controls and accountability for the ALP seized on the Leahy law as a point of leverage. NGO reports and public rebukes on the ALP called out the lack of Leahy law vetting to the ALP and the lack of cut-offs for abusive commanders within it (see, e.g., Sifton 2015; Reid 2011: 100; Human Rights Watch 2015a). This would tend to elicit a further commitment to apply the Leahy law more fully, for example, by institutionalizing processes or mechanisms that would improve implementation, or issuing additional guidance to US forces and personnel (SIGAR 2018a: 46–55). It was another example of a call and response pattern reinforcing the internalization of controls. In this case, however, the push for human rights accountability and practice in Afghanistan could drive the bureaucratic internalization of a human rights control mechanism that had a global reach.

Afghanistan also became an important test case for greater Leahy law enforcement because of the US government personnel and dynamics there. The US had spent more than a decade in Afghanistan, with military or civilian staff deployed across Afghan ministries, and even down to the district level in areas across Afghanistan. As a result, the US government was the “holder of information, not just following up on reports” as one former DoD official said (Interview #P24). It had more capacity to investigate allegations of abuse, and to enforce them through its stronger relationships with Afghan officials than in most other countries, and there was substantial pressure to do so. Thus, when Congress took steps to tighten the Leahy law in 2013 and 2014, DoD decided to develop a more proactive system of pursuing Leahy law investigations in Afghanistan.⁵¹ DoD staff would take on more of a “police patrol” model – actively looking for allegations by scanning news media, internal intelligence reports, or other sources. DoD and State Department officials would then meet monthly to review any potential allegations and decide whether to block or clear based on the credibility of the allegations (Interview #P8, P10).

What all of this generated was a much more substantial discussion and practice of applying the Leahy law in Afghanistan. The more proactive DoD system of investigating and seeking out claims was not put in place in any other country (Interview #P7). While there are no public statistics on which forces were blocked, State Department officials interviewed said that as a result of these processes there were a higher number of Leahy

⁵¹ This might be construed as part of an inter-branch bargaining process. The decision to apply it more proactively in Afghanistan was concurrent with Congressional decisions – over some DoD hesitation – to expand the Leahy law’s application. In addition, DoD were willing to adopt this more proactive system in part because Congress created a loophole for them, such that Afghan partners whom the Secretary of Defense deemed critical for security could be exempted from the Leahy law’s application (E. Gaston 2017b).

law investigations in Afghanistan than in other countries, and more cases of “remediation” (Interview #P7).⁵² As such, Afghanistan became a driver for and the subject of more regular practice – the sort of routine practice that theories on normative change suggest can lead to deeper internalization and socialization of a norm.

Importantly for this thesis, because of the specific advocacy to have ALP cut off through the Leahy law, it may have helped extend this emerging practice to more irregular forces. Because the term ‘foreign security forces’ is not specifically defined in law, it might theoretically always have extended to quasi-official or paramilitary units acting alongside state forces of another country, and DoD guidance has admitted as much (Serafino et al 2014, 1, citing DOD Joint Publication 3-22, p. VI-31). However, the standard interpretation of US policymakers was that the Leahy law applied only to regular *state* forces of a foreign government. As a result, the Leahy law was initially deemed inapplicable to local defense forces in Afghanistan.⁵³ Even after the ALP program was officially authorized as part of Afghan forces, the lingering perception that these were irregular forces meant that the Leahy law was not applied either to the ALP forces or the other defense initiatives in the first few years (some of the precursor pilot programs continued to exist as separate programs until full integration in 2012). The specific appeals (e.g., by NGOs) to apply the Leahy law to the ALP, together with these institutional trends toward applying the Leahy law broadly, appear to have reversed this standard. For subsequent LHSFs that resembled the ALP – like the TMF or ANA-TF – there was no question that the Leahy law applied.

In sum, this account of the progression of the Leahy Law illustrates how NGO or other external actors try to change the “rules of the game,” and have substantial success at it. NGO pressure and collaboration since the 1980s helped to socialize the principles underlying the Leahy law as appropriate *de minimis* steps. A post-2009 policy assemblage contributed to further legislative and administrative reforms to the law. These were then engrained in a more regular practice due to pressure to apply the Leahy law in countries like Afghanistan. The regular calls to apply the Leahy law and the more regular application

⁵² The officials involved did not specify which remediation approaches were adopted in Afghanistan, but noted generally that it was easier to manage these processes with the MoD and its military justice system, than through the MoI, which has a weaker reputation for accountability (Interview #P7). In public comments in 2016 the then-head of DRL, Tom Malinowski, also pointed to Afghanistan as a case in point of remediation processes working (citing four positive examples in the year prior)(Byman 2016: 12)

⁵³ All of the public statements and program documents outlining various vetting standards and other controls for the ALP exclude any reference to the Leahy law (CFSOCC-A 2010; 2011; Saum-Manning 2012: 11), and reports from the field (in response to DoD’s investigation of the 2011 HRW report) explicitly state that Leahy law was deemed inapplicable given that the forces in question were not Afghan state forces (Department of Defense 2011b: 2). Interviewees also recollected that the Leahy law was not deemed applicable in the early stages of local force mobilization, but that fears that it would be applicable already had an informal effect (Interview #151).

of Leahy law vetting and tools contributed to the sort of routine or “taken-for-granted” practice that signify a degree of internalization within the US bureaucracy.

To reiterate, this is not an argument that the Leahy law was effective in preventing or addressing human rights abuses, or even that it significantly advanced accountability in Afghanistan. Although US officials pursued a more proactive, police patrol model for the Leahy law overall in Afghanistan, expanding the overall practice, they still used exceptions to protect important security partners in ways that undermined meaningful accountability. At the same time that Congress was tightening the Leahy law rules, it agreed to leave a carve-out in place for Afghanistan forces only, which permitted a waiver of the Leahy law (or any other limiting conditions) where the Secretary of Defense deemed a member of the Afghan security forces to be necessary, and this was frequently applied (Interviews #P6, P8, P10; NDAA FY2014; Gaston 2017b; SIGAR 2018a). It would also be difficult to argue that the Leahy law had a larger effect on human rights accountability and deterrence in Afghanistan, given the larger security pressures and priorities in the policy environment (Barfield 2016). As one former US commander with more than a decade of experience mentoring Afghan forces observed:

From what I’ve seen the US forces have never cut off Afghan forces on misconduct grounds. They have occasionally been under such pressure, that they were forced to let some commanders go, but only when under such pressure that there was no wiggle room to not do something. In Afghanistan, the argument of operational expediency has always trumped. (Interview #95)

Tate (2011: 349) raised a similar issue in her analysis of the early development of the Leahy law, noting that the focus on the Leahy law documentation obviated attention from broader accountability issues or restraints on military forces: “the law shifted US policy, but not in the ways that the activists and policymakers who designed the law originally intended,” Tate concluded.

Nonetheless, even if it resulted in less meaningful steps than human rights activists hoped, what human rights pressure certainly achieved was a hardening of these sorts of human rights vetting processes and checks as the appropriate response. Vetting and threats of cut-offs for GVHR came to be seen as a necessary due diligence step, and one of the ways that the bureaucracy responded for calls to address human rights risks and to demonstrate accountability in security assistance.

Conclusions on Transnational Advocacy and Socialization over Time

The above case studies of NGO and human rights network activism surrounding human rights controls help illustrate several important pathways or components for

change, and for gradual internalization of control mechanisms more generally. The first case study of advocacy surrounding the ALP illustrates how consistent pressure and persuasion tactics of NGOs, civil society, and other human rights allies might contribute to the growth in human rights controls over time. By continuing to press for many years and across different policy spaces (in Afghanistan and internationally), they could exploit policy openings and opportunities wherever and whenever they arose, gradually nudging forward commitments or practice. This flexibility to exploit openings for influence wherever and whenever they occurred suggests that NGOs, transnational networks, or other non-governmental actors may be more significant players when viewed over a span of time, than in any given bargaining moment, where they are likely to have less power and influence than official stakeholders. Such examples help illustrate important levers for non-US government actors over US bargaining and decision-making, an important subtheme of this thesis.

In addition, NGO activities surrounding the ALP illustrate an actor-driven mechanism for change and socialization of controls. Human rights NGOs and transnational actors repeatedly pushed policymakers and institutions to engage in the *practice* of human rights accountability and controls. This laid the groundwork for bureaucratic adoption and internalization. With successive and regular practice of applying and implementing these rules, they became more entrenched as standard operating procedures. It was not only that the practice became regularized or routine, but also that over time it became accepted as an appropriate response. In the decade and more of calling for these risky forces to be constrained, NGOs and their institutional allies regularized human rights complaints as an accepted base of appeal – something that policymakers could be called to account for. Control mechanisms became appropriate measures for responding to such critiques. As such, we might consider them as part of the “repertoire” of government accountability responses.⁵⁴

This overall account of change and internalization over time allows us to modify the tools within our BPA analysis, and understand not only how organizational and bureaucratic practices and lenses might influence policy outputs, but how they might evolve or change over time. The overriding image provided by the organizational side of

⁵⁴ Charles Tilly initially coined the idea of a repertoire of contention to describe a regular set of practices or routines that are recognized as a way for competing groups or individuals to make claims upon/against each other (Tilly 1985; 2010; McAdam, Tarrow, and Tilly 2001). The repertoire analogy has frequently been applied in conflict studies to discuss violent practices that recur within an armed conflict context or among certain armed groups (Ahram 2016; 2014; Wood 2008), as well as among protests, or social movements (Tarrow 1998; Roehner and Syme 2013). As used in this way, repertoires have the self-reinforcing tendency of a well-trodden path in the woods, but they also tend to recur because over time they gain a symbolic weight of their own, and the patterns or practices in question are considered a legitimate means of contention.

BPA theory is that of machinery proceeding like clockwork, with even leading policymakers constrained into the policy choices and responses that the existing lenses, approaches, and SOPs offer. As Allison (1969: 699) wrote in one early article, “Government leaders can trim the edges of this output and exercise some choice in combining outputs. But the mass of behavior is determined by previously established procedures.” Further, he continued, “Since procedures are ‘standard’ they do not change quickly or easily. ...When properly triggered... programs cannot be substantially changed in a particular situation” (Allison 1969, 700). Such perspectives have led to the critique that BPA has a weak account of change (Alden and Aran 2012, 96–100).

However, as this chapter has illustrated, the lenses, SOPs and scripts within a bureaucracy need not be viewed as immovable. While rapid or instant change may be unlikely, over time incremental changes and gradual socialization can shift the rules of the game, and also the way that policymakers and the bureaucratic organizations as a whole view the foreign policy issue, and the appropriate response to it. Other writers trying to understand how bureaucratic and organizational practice evolve and change have drawn from the same literature on norm evolution and transnational actor socialization, as well as more constructivist accounts of BPA, which explain how leaders, bureaucratic entrepreneurs, or other subparts within a bureaucracy shape the surrounding rules and orders around them (Alden and Aran 2012: 96–100; Barnett and Finnemore 2004: 41–44; Barnett 1999). Such theories appear ripe for explaining the evolution of control mechanisms. Examples like those provided in this chapter suggest that long-term back-and-forth exchanges and pushes toward practice might contribute to new SOPs or modifying existing ones over time.

This sort of repertoire of control mechanisms need not be limited to human rights related controls. Focusing on human rights controls in this chapter was illustrative because NGO appeals and media documentation tend to be prominent in the back-and-forth over human rights concerns, and thus are more transparent. Moreover, the body of literature analyzing NGO and transnational networks activities provides a ready pathway for understanding how the institutional “rules of the game” might shift over time. However, the same process of changes in practice, a pattern of ‘call and response,’ and gradual socialization and internalization might also apply to some of the other control mechanisms discussed. For example, one might extrapolate a similar sort of ‘call and response’ pattern explaining the trends toward “CT vetting” and security-related controls. Although there were additional regulations and heightened sensitivity to inadvertent “material support” to terrorists since the early years after the 2001 attacks, these did not immediately invoke a set of prescribed control mechanisms for working with LHSFs (or other security actors). In the subsequent two decades, each time US materiel was passed

on to terrorist groups directly or via another partner, it created an external pressure point that drove a need to respond with greater due diligence measures. Over time, this would include “CT vetting,” an amorphous term that usually references cross-checking a series of US intelligence databases for any known affiliation with banned groups.⁵⁵

More generally, security incidents and blowback in environments with high reliance on LHSF partnerships have over time reinforced more general risk mitigation strategies. The same State Department officer who argued that control mechanisms like human rights and CT vetting had become common practice noted that one trigger had been the “Benghazi effect,” the greater risk aversion within the State Department following the attack on the US consulate and loss of US personnel in Benghazi, Libya in 2012 (Interview #20). Each incident or situation would prompt the bureaucracy to develop a response or precautionary measure for such risks, cohering overtime into its own ‘call and response’ cycle, reinforcing certain risk mitigation practices or controls.

While this chapter focused on Afghanistan and the ALP as illustrative, the same sorts of levers and reinforcement would also be taking place in other countries where LHSFs are a prominent feature. The Afghanistan case is particularly significant for the wider socialization of these principles because of its prominence in US foreign policy over a prolonged period. The foregoing argument has suggested that we might be more likely to see socialization: 1) where there is a body of evidence and a push by external actors for officials and bureaucrats to apply the principles, policies, or laws in question, such that it is possible for practice to be generated; 2) that this happens over some extended period of time, allowing some regularization of practice; and 3) where the group or issue in question is given high priority or high profile, because in these cases, it might be more likely to invoke a larger share of the bureaucracy or of US policymakers’ bandwidth, creating a wider footprint for socialization. The ALP experience invoked all these factors. It was a lightning rod for attention over some 10 years, garnering both greater NGO and media attention and greater policymaker energies than its relatively small size might have suggested. Moreover, this dialogue and socialization was taking place in Afghanistan, a country that remained relatively high profile as far as US foreign policy was concerned, for nearly two decades. The Afghanistan experience was formative for an entire generation of DoD and State Department bureaucrats, and other US forces and officials. The fact that a significant issue within this portfolio demanded attention to a range of

⁵⁵ For example, some of these databases are referenced in US and other partner states’ audits of the vetting processes applied to Syrian groups (Office of Audits 2016; Policy and Operations Evaluation Department 2018).

controls was, it might be argued, more significant for mainstreaming the practice across the bureaucracy than that of other countries.

However, while the ALP and the Afghanistan experience was certainly formative, it would take this entire body of practice, across diverse and differing country dynamics to fully engrain this sort of practice. All of the LHSF initiatives documented in prior chapters functioned as sites of practice and drivers of socialization, across the full range of control mechanisms. The repeated experience of applying such controls in each of the case studies discussed in this thesis – as well as in other LHSF experiences in other countries – would gradually inculcate such measures as appropriate, de minimis checks. They were socialized as the appropriate responses when public concerns were raised about these risky or more legally exposed forces. In addition, the regular application of vetting, scrutiny in oversight, and enforcement and sanctions, across multiple countries, over a period of years, was the sort of practice that might gradually encode these as the standard operating procedures of the bureaucracy.

Chapter VII: Conclusion

This thesis has sought to explain how and why states try to regulate irregular or substate armed groups, in order to mitigate the risks surrounding these partnerships. The starting framework considered was that of Principal-Agent theory, which has frequently been applied to US security assistance relationships, and to proxy or surrogate relationships. Principal-Agent theory does a good job of capturing why states delegate security functions to other state forces or armed groups, and common issues or dilemmas that arise within those delegations. These expectations hold true across the LHSF partnerships discussed in this thesis: the US frequently turned to LHSFs as the less costly and speedier alternative to deploying a greater number of US forces, and because they offered the advantages of local conflict specialists. Principal-Agent theory also offers a typology of control mechanisms that strongly matches those that emerged in practice: selection or vetting mechanisms; codes of conduct, standards, and other rules or restrictions regarding the scope of activities; monitoring and oversight; and enforcement or commitment devices, including sanctions or incentives. The mechanisms that emerged regularly within US-LHSF relationships strongly matched these typologies.

However, in most of the case studies, control mechanisms manifested in situations where Principal-Agent theory would least expect it. Principal-Agent theory expects that patrons will only adopt control mechanisms to the degree that the benefit of doing so outweighs the costs. In situations where there are high barriers to information, a high degree of agent specialization, or other factors that would make patron engagement or oversight more costly, the patron would expect limited returns from control mechanisms and be unlikely to enact them. In addition, where the principal highly values the delegation, and/or where there is a limited selection pool, the principal will be more willing to tolerate slack. In such situations, the patron may be less likely to enact controls that might imperil the relationship; the agent in turn, may be less likely to respond to any controls, knowing that the patron has few options.

These conditions existed in spades across all of the case studies. The situations where the US sought to delegate to LHSFs tended to present a worst-case scenario in terms of the prospects for successfully controlling and mitigating risks: extreme and insurmountable information asymmetries, limited access to territory or means of conducting oversight, and a limited choice in agents.

- In Afghanistan, US forces seeking to mobilize local counterinsurgents in villages under Taliban control often only had a selection pool of one in that local area. Once mobilized, the remote location of these forces, in areas beyond state control made it extremely costly (and unlikely) for either US officials or partner

forces and institutions to regularly monitor their behavior, or to impose conditions on them. Certain vetting conditions, like that for past human rights abuses, would have ruled out significant numbers of forces if they had been fully applied.

- In Syria, the shakier legal foundation for US intervention and the hostile relationship with the Assad government made territorial access and oversight an even greater challenge. The complexity of the situation, the volume of armed groups, and the fast-changing nature of conflict dynamics made it difficult for the US to know with whom it was dealing (extreme adverse selection), much less to monitor their behavior after the fact. Control mechanisms that were applied proved extremely costly in terms of staff time and resources and in terms of opportunity costs (for example, limiting the number of partners).
- In Iraq, for the TMF program, staff had scant monitoring resources and substantial access limitations, which created similar barriers to exercising and enforcing controls. The Iraq examples also illustrate how controls might compromise the potential benefits of delegation and specialization: too tight scrutiny in selection of agents in the early *sahwa* period would have reduced the ability to recruit former insurgents or those with knowledge of them, and thus would have undermined the point of delegation.

In addition to these selection and monitoring challenges, in many of these environments, the US faced competition from other patrons. This tends to limit the prospects of enforcement and increases the costliness of controls. US efforts to control LHSF agents would also face the handicap of a classic complex patron. Across all the case studies, a range of US institutions, officials, and forces, as well as Congress and other US interlocutors, were involved in managing the LHSF. This made it more costly to enact controls and easy for the agent to play one part of the bureaucracy off against another, evading controls.

These were not hidden costs: US policymakers demonstrated a high degree of awareness that the control mechanisms they developed would offer “imperfect” results, and that they would invoke significant trade-offs. The costs became increasingly apparent over time. In Syria, applying control mechanisms took significant US staff time and resources to implement, and limited the number of potential partners, often to a degree that neutered the value of the program. Rigorous and time-consuming pre-selection processes, tracking and post-hoc reporting slowed the volume and type of CIA assistance to the point where it was tactically of little use to the FSA groups, and nowhere near the

level of resources needed to accomplish the purported strategic goals of the program. With the State Department non-lethal assistance, vetting and micro-management of “redlines” and sanctions took up substantial staff time and a significant proportion of the funds involved. One State Department officer estimated that to fully vet 1,000 fighters to be eligible for non-lethal assistance might have cost \$1 million, a process that had to be repeated every few months (Interview #4). When an issue arose, “everything would grind to a halt,” another State Department advisor remembered of the program, leading him to conclude that in Syria, “you can have programming, or you can have accountability, but not both” (Interview #2). Across nearly all of the programs, the broad selection criteria that ruled out “too Islamist” partners or those with other stains on their record meant that the US would not work with the dominant or most tactically effective partners in a given area. In the first Train and Equip iteration, the New Syrian Forces program, vetting and other program restrictions were so tight that the program failed to field more than a few dozen fighters. In the brief Train and Equip partnership with Turkey, tight US criteria, which were mismatched with that of Turkey, yielded so few fighters that they were referred to as imaginary “unicorn” forces (Interview #105).

Despite policymakers’ awareness of the high costs and limited benefits of such controls, numerous control mechanisms were enacted, not only in the Syria cases but across nearly all of the LHSF partnerships examined. They were sustained throughout the life of these programs, even as the diminishing returns and high costs manifested. Moreover, they were repeatedly applied to new iterations of LHSFs. Use of control mechanisms became such a default reaction that policymakers interviewed in 2018 and 2019 referred to such controls as the common or standard approach to working with LHSF partners in areas like Syria, Iraq, or Afghanistan.

Such evidence contradicts Principal-Agent theory expectations about the factors or structural dynamics likely to lead to control mechanisms. In addition, the evidence within each case study tended to go against Principal-Agent theory assumptions about *why* principals enact controls. Principal-Agent theory assumes that control mechanisms are enacted as a way to control or constrain the behavior of the agent, in this case the LHSFs. However, in examining each case, there was little evidence of control mechanisms designed to control or constrain the LHSFs in question. This at least was not the primary motivation. Most control mechanisms appeared motivated by a desire to prevail in the course of political deliberations over whether to authorize or expand the force in question, and were aimed at other stakeholders in the process, rather than at the LHSFs themselves. In some cases, the control mechanisms appeared designed to constrain other policy stakeholders rather than the LHSFs themselves. For example, Congressional controls on the first Train and Equip program were predominantly about preventing the

Executive branch from expanding activities in Syria. The effect that strict vetting measures would have on the composition of the New Syrian Forces was secondary. Still other control mechanisms appeared to manifest as the result of pro forma expectations for US security assistance, more about “checking the box” and fulfilling due diligence expectations than any meaningful attempt to control the forces in question.

This evidence of the motivations that drove specific control mechanisms points to a different explanatory framework. BPA sees foreign policy outcomes as the product of competing views between different parts of the bureaucracy, which are negotiated through a process of bargaining and persuasion among policy stakeholders. The policy outcome that results will represent a compromise of these different viewpoints, rather than the preferences of any one player or bureaucratic constituency within the bargaining debate. BPA also presumes that the foreign policy debate and its outcomes will be significantly shaped by the organizational lenses surrounding these different policy stakeholders, with bureaucratic tendencies, scripts and standard operating procedures shaping the parameters of debate, the policy options available, and the way that foreign policy decisions are enacted. There was substantial evidence of both of these dynamics in the case studies. They help explain both what drove the enactment of control mechanisms in each LHSF case study, and also the trajectory of increased expectations for control mechanisms over time.

Bargaining between different policy stakeholders was prominent in explaining the manifestation of control mechanisms at the onset or authorization of a LHSF partnership and at crucial moments of expansion. Proponents of initiatives like the ALP or the covert support to the FSA used the promise of rigorous controls to counter objections to these initiatives. It was a way to defray criticisms that might have prevented the initiative from going forward. As a bargaining tactic, it was a way to win support from additional players or to marginalize irreconcilable critics. Almost every case study illustrates this tactic, from the control mechanisms built into the pilots of local defense forces in 2009, in anticipation of criticism and a future bargaining debate; to the reiteration of such controls in 2017 and 2018, to rebut critiques that the ANA-TF would replicate the same issues as had transpired in the prior decade and more of LHSF mobilization.

Opponents or skeptics of LHSF programs also proposed control mechanisms, either as a way to advance their own interests, or as a limiting maneuver or last-resort measure to try to constrain the worst risks of an initiative that they could not stop. In the first Train and Equip program, the political momentum behind supporting an anti-ISIL ground force was virtually unstoppable, leading Congress to authorize the initiative despite substantial misgivings. Congress instead used control mechanisms to at least protect major political interests or risks, limiting the ability of the Administration to use

the force for broader (anti-Assad) intervention aims in Syria, and providing political cover for downstream risks like weapons going to terrorist groups or enabling atrocities. Those worried about the risks of the ALP – ranging from human rights advocates, to diplomats vested in the statebuilding project – saw US support to local defense forces as inevitable, given the surrounding context and frequent resort to such quasi-official forces. However, they used their bargaining leverage to at least demand controls that might curtail the biggest threats to civilian protection or to statebuilding objectives.

These various control mechanisms (whether used by proponents or skeptics) were of course not completely removed from the idea of constraining the behavior or activities of LHSFs (the agents). Nominally, this was the goal of each proposed measure. However, what tended to drive the proposal of each of these measures was the political debate and deliberations over the initiative, rather than the level of risk or the degree to which control mechanisms showed prospects of mitigating them. In situations that did not invoke a bargaining moment or dynamic, either because of a more unilateral decision-making environment (the early *sahwa* period in Iraq), or because it was a smaller level of force mobilization that did not require broader funding or buy-in (the covert auxiliaries discussed in chapter V), very few control mechanisms manifested. It was not that these forces were any less risky, but that the political dynamics did not force the sort of bargaining deliberations that would lead to risk mitigation measures and responses.

While most traditional BPA bargaining treatments focus on intra-bureaucratic bargaining and deliberations, often limited to the President or executive's inner circle alone, the bargaining illustrated across the different case studies presented a more diverse set of stakeholders. Congress directly legislated controls in the Iraq and Syria programs from 2014 on, and was a continuing pressure point in the later years of the ALP. NGOs and other transnational human rights networks featured as prominent long-game actors in the development and reinforcement of control mechanisms in the ALP. Civil society groups, NGOs, implementing partners, and even foreign states substantially influenced implementation choices and the manifestation and application of control mechanisms for Syrian armed groups.

Foreign leaders and their bureaucracies also played a substantial role in the bargaining in multiple case studies. In Afghanistan other NATO member countries' diplomats and representatives influenced some of the deliberations and pressure points on the ALP in indirect ways, similar to NGOs or civil society organizations. Other European and regional partner countries also appeared to have an indirect shaping influence on development of vetting standards, redlines, and application of controls in the FSA assistance programs (both those supported by the CIA and State Department). However, in several cases, foreign leaders demonstrated a more direct influence on bargaining,

effectively sitting as co-deliberators at the bargaining table alongside other US officials and bureaucrats. In bargaining over the *sahwa* and ALP, Iraqi Prime Minister Maliki and Afghan President Karzai had arguably the strongest influence on the outcome of bargaining and on which of the proposed control mechanisms were adopted. A more limited example of this foreign bargaining dynamic might be seen in Turkey's attempts to force its selection prerogatives on US partnerships in northern Syria.

These foreign leaders' motivations for proposing or deliberating over control mechanisms were slightly different from the use of controls to prevail over skeptics or the limiting maneuver tactics discussed above. While Maliki and Karzai were certainly in the camp of skeptics, both saw these forces from the lens of what such forces might mean for their own patronage networks and sources of power within the neo-patrimonial systems that predominated in each country at that time. Theirs was a takeover maneuver, using control mechanisms as a means for wresting greater institutional, and ultimately personal control over the resources and force mobilization authority attached to these programs. Here too, the use of controls is not completely divorced from agent control (the presumed function under Principal-Agent theory). For example, Karzai and Maliki proposed control mechanisms because they cared very much about the issue of selection: it was essential to them to be able to choose groups and commanders that they might view as the most "like-minded" or loyal agents, while dismissing the rest (or the whole, in the *sahwa's* case). However, the fundamental maneuver here was to use the language of technical controls to prevail in what was fundamentally a disagreement over political authority. This was less about curbing what these individual forces would do than about curbing what the US would do with them. In a way these foreign leaders used the US' own tools against it, using the language of accountability, oversight, and state authority to subvert US intentions for the program.

Bargaining dynamics manifested across all of the case studies, up to the most recent case of the ANA-TF's creation in 2018. However, over time such bargaining would increasingly interact with a growing level of institutional standards and expectations for these groups. BPA theory considers not only the effects of bargaining on foreign policy outputs, but also how other ideational, organizational or institutional elements might influence them, from the lenses or foreign policy images adopted to explain and respond to issues that arise, to the way that organizational tendencies, scripts and practices color the parameters of debate or the menu of available responses. These more organizational or institutional elements also helped to explain the route that many bargaining debates took, the positions within them, and the trajectory of greater control mechanisms over time. One prominent theory within BPA assumes that key personnel engaged in bargaining, or the bureaucratic organizations behind them, will be influenced by their

“stand-sit” positions and view policy decisions from the framework of organizational interests and mission sets, or through their own personal experiences or lenses. Such predilections were on display in the positions that different stakeholders or subparts of the bureaucracy took in the course of bargaining. In the internal debates over implementing non-lethal assistance, different State Department bureaus took their own stand-sit positions, viewing the program alternately as a threat to a key priority or element of that bureau’s portfolio (for DRL, the Office of Legal Affairs and the Syria desk), or alternately as an opportunity (for CSO). Similar stand-sit positions could be seen in the bureaucracies of the US’ foreign co-deliberators, for example, in the split Afghan ministerial reaction to local defense forces in 2009, or in the Afghan Ministry of Defense’s objections to the ANA-TF, which strongly reflected their own self-defined professional lens and mission set. When asked what had informed his strong resistance on the ALP, Eikenberry cited the classic metaphor from Allison’s BPA that “where you stand depends on where you sit,” and explained that his position was primarily his prior personal experience of trying to build up the ANSF and Afghan state institutions over the prior decade (Interview #150).

The legacy effects of prior LHSFs in Iraq and Afghanistan discussed in chapter V provide another example of how institutional memories and lenses can shape the interpretation and response to policy problems. Both US and foreign bureaucracies and personnel involved saw the post-2014 LHSF iterations through the mirror of the past experiences, the *sahwa* and the ALP, respectively, leading to an almost knee-jerk application of the prior control mechanisms. Bargaining was not absent in the ANA-TF and TMF initiatives but it was less generative of controls than the prior legacy effects, or the evolving standard approach toward LHSF controls.

Legacy effects and personal or institutional experiences could also in some cases defray bargaining pressures. Congress reacted very differently to the idea of mobilizing tribal and community forces in Iraq versus in Syria in 2014. This was significantly due to the differing intervention contexts in both countries, but it was also because the prior experience with the *sahwa* provided Congress with a ready foreign policy image – that tribal mobilization was a recipe for success in Iraq. As a result, the proposal to mobilize LHSFs in Iraq was largely uncontroversial, and would not generate its own bargaining momentum and division within the US bureaucracy. The lenses or images adopted of different LHSFs also help explain why those envisioned as local counterinsurgents might be more likely to come with a panoply of conduct restrictions and other controls, while LHSFs mobilized as counterterrorism auxiliaries might not.

BPA’s organizational theory also significantly helped to explain how control mechanisms, once internalized and adopted by the bureaucracy as appropriate measures,

might be generated even without bargaining triggers, and in situations where the costs and benefits of doing so did not add up. The importance of SOPs, scripts, and tendencies within a bureaucracy is that they set up established pathways or lenses for first understanding a policy decision, and then deciding how to respond to it. The idea that bureaucracies will tend to reach for existing repertoires or toolkits for responding to a given set of policy demands was well evidenced in several of the case studies. When DoD was tasked with implementing Congressional conditions that Syrian and Iraqi “Train and Equip” forces demonstrate “respect for human rights and the rule of law” (NDAA FY2015, sec. 1208(e)(2); 1236 (e)(2)), they reached for their standard protocols for partner security assistance – training on the “law of land warfare” or instituting safeguards with regard to child soldiers. When called on to demonstrate some form of accountability for assistance to Syrian opposition, State Department bureaucrats re-purposed and modified existing vetting, monitoring, and other risk mitigation practices and protocols. Although such processes were not legally required in many cases, or were arguably inapt for the Syria conflict dynamics, they provided a ready – almost automatic – route for responding to accountability demands. Moreover, they had greater credibility within internal bargaining precisely because these were already accepted modes of responding to risks.

Over time, the generation of control mechanisms within successive LHSF initiatives and the repeated practice of applying these accountability mechanisms, evolved into something approaching its own SOP or common approach to risk mitigation in LHSFs. The analysis of bargaining and other dynamics within some of the more recent LHSF initiatives in chapter V and of processes of change over time in chapter VI suggested some pathways to explain how these control mechanisms might become entrenched over time. Repeated “calls and responses” to apply control mechanisms, as well as pressure to put them to regular practice, helped to socialize and engrain these practices within the US policy establishment. They became a part of the routine or program activated when concerns about LHSF risks manifested. Over time they cohered into a regular part of the US government’s repertoire of accountability responses. The exploration of the TMF and ANA-TF in Iraq and Afghanistan in chapter V illustrated how these emerging SOPs or organizational practices interacted with continuing bargaining dynamics. Bargaining still took place, but its outputs were layered onto a pre-existing set of practices and control mechanisms that were assumed to be appropriate with this type of force. In-country legacy effects shaped the course of bargaining and also the institutional implementation of some of these controls in these later examples. However, many of the control mechanisms and processes adopted derived from default operating modalities, rather than being generated by immediate political dynamics or bargaining demands.

These two processes, bargaining pressure and the internalization of control practices over time, help explain the starting puzzle: why control mechanisms were adopted even in cases where doing so would be costly, and counter-productive to the aim of the initiative. They also point to the reason that such control mechanisms were increasingly adopted and expanded over time, despite repeated evidence of their failures and trade-offs. Once control mechanisms were established as the rules or standard operating procedures of dealing with LHSFs, and were socialized as such, the bureaucracy would revert to these mechanisms, even where the costs and benefits of doing so did not add up. A final point to consider is the larger impact of such control mechanisms on US decision-making surrounding LHSFs, considered in the next section.

Controls as Enabling Device

A starting point for this thesis was the observation that the US has appeared to be more open to LHSF partnerships in the last two decades. It has worked with a range of LHSFs since 2001, more frequently than other Western countries with similar risk preferences, and at least more overtly and expansively (if not more frequently) than the US had prior to 2001. Many factors have influenced this trend, but control mechanisms appear to have also played their part. Control mechanisms enabled LHSF partnerships more frequently in three, interrelated ways. First, in individual cases, they facilitated a policy compromise to be struck, bridging differences in the various stakeholders' risk preferences and concerns. Second, they shifted US decision-makers' perceptions of the costs of the LHSF partnership, tipping a greater number of internal bargaining scenarios toward authorization or expansion. Third, they helped to rationalize partnerships whose outcomes would inevitably produce trade-offs, either for the foreign policy arena (i.e. for US policy in Iraq, in Afghanistan or Syria) or for larger US commitments and principles. Each of these will be discussed in turn before returning to the question of how this affected US inclinations vis-à-vis LHSF partners as a whole.

Brokering a Compromise

BPA views policy outcomes as a compromise between the positions taken by different players or stakeholders in the process. In case after case, control mechanisms enabled the compromises that allowed LHSF initiatives to go forward. Control mechanisms acted as a bridge where players held different risk preferences, or where the differing positions related to the balance of institutional ownership and control (as with Maliki and Karzai). There were cases where control mechanisms failed to achieve a compromise – for example in the US-Turkish deliberations over both jointly managed Syrian forces in northern Syrian and over the SDF. The distance between US and Turkish positions was too substantial to be bridged by technical or tactical controls. While

controls failed to bridge the difference in that case, this example nonetheless helps to reinforce the larger point that the role of control mechanisms was more as a bargaining mechanism or instrument, rather than as a means of agent control.

Notwithstanding some failed compromises, control mechanisms frequently facilitated compromises or solutions that tipped toward authorization. Control mechanisms helped proponents to build winning coalitions within the different bargaining scenarios. By appearing to address the risks or interests of the various stakeholders involved, they won over undecided players, or at least muted the objections of irreconcilable opponents. Such compromises facilitated LHSF support in situations where they otherwise would have been too controversial or where they lacked sufficient internal bureaucratic or external partner support to be sustained. The ALP would not have been authorized without adopting some control mechanisms, in deference both to Karzai's objections and to the range of other concerns raised by State Department officials, other diplomatic partners, NGOs and UN representatives. A second *sahwa*, the TMF program, would not have been permitted by Iraqi authorities without acceding to Iraqi demands for institutional control. The compromise function was also apparent in internal, intra-US bargaining dynamics. The controversial lethal and non-lethal support initiatives for the FSA would not have survived the onslaught of internal critiques and objections without offering some concessions in the form of risk mitigation measures.

One would expect control mechanisms to be more powerful mechanisms of compromise as they became more readily accepted and normalized, either within the bureaucracy, or in bargaining relationships between repeat players. As controls became socialized within the US bureaucracy and thus were viewed as more credible responses to risk concerns, they became a more compelling way to bridge differing risk preferences and compliance concerns within the US bureaucracy. They also more readily facilitated compromises in the late stage LHSFs in Iraq and Afghanistan, precisely because they had already (through legacy effects) won some recognition as appropriate concessions for addressing Iraqi and Afghan concerns about these types of forces.

Tipping the Cost-Benefit Balance

Part of what enabled such compromises to be struck was that control mechanisms could shift the perceived costs or likely consequences of these programs. US policymakers' decision about whether to support LHSFs or not might be framed as a cost-benefit analysis. They saw the benefits of such initiatives – for example, reducing the exposure of US forces, or the advantages gained in terms of the intelligence, or tactical assets of local partners. However, they also saw the costs, including the public, reputational or legal repercussions of being seen to enable abusive militias or Islamic

extremist groups, or the long-term or downstream risks of seeding another Al Qaeda or of seeding local conflicts. Control mechanisms could facilitate authorization or expansion of these forces by appearing to mitigate or reduce at least some of these costs, making it more likely that a cost-benefit analysis would tip in favor of going ahead with the force.

To illustrate this point, it is helpful to briefly summarize some of the ways that control mechanisms offered the possibility of mitigating or reducing those costs or risks:

- Efforts to set standards, increase awareness of the standards through training or other communication of redlines, or to induce compliance, either through pre-commitment mechanisms (i.e., like the ‘pledge’ for New Syrian Forces) or through the threat of sanctions represent attempts to prevent these costs from materializing, at least in part.
- Institutionalizing LHSFs within host institutions – as with the ALP, the TMF, or the ANA-TF – could do the same for some of the conduct or human rights concerns in theory, by relying on existing institutional mechanisms for inculcating and enforcing appropriate standards. For concerns that further arming and empowering LHSFs might contribute to an erosion in state authority or the “monopoly on force” (a common Western state-building goal), vesting these forces under the state might offer the prospect of gradual integration and state control over these forces.
- Institutionalization also helped defray US public or legal liability, because the Afghan or Iraqi state would bear a greater share of state responsibility for any consequences that followed. If LHSFs were affiliated with the forces of the host state, then any misconduct by the LHSFs might be attributed to that host state, rather than the international backers.
- Given that no one assumed that the above measures would entirely cure issues with these forces, vetting or cut-offs promised to be able to at least limit the public or reputational costs by ensuring that there was a mechanism to prevent US funds from going to the most problematic units or forces. Even if this was not entirely successful, having such vetting at least demonstrated some attention to the problem, which might defray public criticism, legal liability, or reputational costs to a degree.
- Weapons tracking, or measures like requiring FSA to return spent missile casings, might limit the number of weapons gone astray. However, as with the vetting, it also was a signaling device, at least demonstrating to potential internal or

external critics that something was done to try to address these unpalatable risks, and thus mitigating some public blowback.

Such measures often did not change skeptics' overall view that these were risky forces, or risky initiatives to support. But they at least minimized the perceived costs that would follow to some degree, making it more palatable to allow the initiative to go forward. For example, in the case of lethal support to the FSA, it is not clear that Obama ever thought it a sound way forward, but he at least acceded to the pressure from his cabinet and regional allies, so long as some of the risks could be mitigated or reduced.

Comparing US responses to LHSF risks to the actions of like-minded countries helps illustrate how the perception of risk reduction might influence decision-making about engaging with LHSFs. In Syria, the UK and France provided tactical support, intelligence, training, and some arms and equipment to Syrian armed groups (either via their contributions to the MOM and MOC, or in subsequent engagement in various Train and Equip programming). But most other European countries refused to provide lethal assistance. For example, the Dutch provided trucks, medical supplies, food, and other humanitarian support to the FSA, but no weapons or tactical equipment (Interviews #7, 10, 73)(Policy and Operations Evaluation Department 2018). Most other Western countries (i.e., Denmark, Canada, Germany) further limited their assistance by only providing non-lethal assistance to *unarmed* opposition (i.e., supporting the unarmed Free Syria Police, but not the FSA). One European official summarized the rationale for not providing lethal assistance as follows: "if a food basket ends up in [*Jabhat al*] *Nusra's* hands, it's not a big deal... even if pragmatically you tried to balance out the risk of a small batch of arms being confiscated likely not outweighing the overall good, it's still politically intolerable" (Interview #10). What the official is describing is an essential risk calculus, which led at least some European policymakers to decide that where the costs outweighed the benefits, it was better not to provide lethal support.

US officials faced the same conundrum and showed the same sensitivity to it. This is why the only US assistance initially authorized was non-lethal support, and initially only to unarmed opposition. US policymakers continued to draw such lines even when overt lethal support was provided, by insisting that it would only go to counter ISIL, not Assad. Control mechanisms helped get around this conundrum, or at least contributed to a partial solution, by presenting policymakers with the option of reducing the risk side of the cost-benefit ledger. Taking as an example the risk of weapons flowing to *Jabhat al-Nusra* or other extremist groups, in the best case, weapons tracking or other controls might reduce that risk by limiting the number of trafficked weapons. Even if some US-provided weapons or material was still misappropriated or transferred, a policy that

attempted to prevent that might at least reduce some of the public or political repercussions, making what was politically intolerable now somewhat tolerable. The degree to which control mechanisms actually achieved that risk reduction is questionable. It appears to have been a largely false construct. But the promise of being able to mitigate risks could nonetheless shift US policymakers' risk calculations.

Here too, we might expect control mechanisms to become more powerful risk-deferral tools over time. Once accepted as an appropriate safeguard within the bureaucracy, they would be more compelling or credible in their promise to reduce risks. This effect would likely be largest with the sort of public or reputational costs. Once control mechanisms were accepted as the appropriate "due diligence" step – the responsible way to deal with risks – they would alleviate public liability for risky actions, even if they did not reduce the chance of consequences materializing.

Controls as a Rationalizing Device

A third way that control mechanisms might enable LHSF partnerships is by rationalizing the degree to which the LHSF partnerships undermine other US policy commitments or goals. In some ways, this is connected to the above proposition that controls can shift the costs of a proposed initiative. However, it is slightly distinguishable. BPA's organizational theory presumes that bureaucratic organizations (and the decision-makers and bureaucrats within them) will interpret information and adopt positions or policies that accord with their larger mission sets, images, and values. It follows that they will also seek to square policy decisions with their internal mission-sets and values, or with the goals and objectives established for the country or policy issue in question.

The decision to partner with a LHSF frequently presents a challenge to the policy preferences and goals of the many different bureaucratic organizations and units involved in these conflict environments. Co-opting militias may appear the most immediate way to fill a need for local forces, but it can also present the risk of undermining other self-identified governance or statebuilding objectives in the same country, for example, by increasing the prevalence of forces outside state control or their ability to control and govern territory. Supporting forces that may have the best chance of countering insurgent or terrorist groups in a given environment may lead to enabling or endorsing groups that otherwise challenge US values and commitments. It may be that the best partner militarily does not endorse secular democratic values or engages in abuses and war crimes. There is not always a way to reconcile these competing goals, at least not within the limited options available in the country context.

In theory, the bureaucracy, or key decision-makers within it, would weigh the relative advantages of working with a given LHSF against the likely sacrifices or trade-offs

to other competing policy goals, and simply accept the latter where the benefits sufficiently outweighed the costs. However, in practice bureaucracies and the politics that drive their incentives and disincentives are often not willing to accept the costs in question. The policy bureaucracy will not only try to mitigate but also rationalize the decision, and control mechanisms present a regulatory façade that enables that.

The LHSF dilemmas in Syria presented such challenges, and also the corresponding rationalizations, most starkly. Each of the LHSF initiatives working with FSA-associated Arab groups were layered with a panoply of criteria for supported fighters and other controls that, if fully implemented, would have ruled out virtually all fighting groups and individuals. Former State Department and DoD officials or officers tended to frame these unrealistic controls as either “wishful thinking” or a form of self-delusion that enabled support to go forward even though it contradicted US policy principles (Interview #90, 135). One former State Department official reflected:

There always was this cohort of what I would call Syria true believers who wanted to pretend that we could find groups who could fight for us in Syria ... that would be amazing fighters, from the right [ethnic or ideological] background, and abide by international law to the hilt. (Interview #105)

Those fighters did not exist in Syria (or possibly anywhere), he noted, but the elaborate vetting criteria, redline discussions, training criteria and other program features and controls were pursued as if doing so would result in all of the concerns and commitments being addressed. Another former State Department officer offered similar reflections about what she framed as the inherent trade-off between security expediency and human rights priorities, at least insofar as the partners in Syria were concerned:

There is a certain pathology of US foreign policy that democracy is always part of the mission... [but] in many situations there is a direct trade-off between effectiveness and human rights. ...We want to have it all and believe we can do it if we just put our minds to it, but it’s not clear we can. (Interview #5)

From this perspective, control mechanisms offer a way (at least on the surface) to reconcile competing commitments, for example, to pursue LHSF partnerships that presented a risk of enabling war crimes, without making the choice to abandon the US commitment to human rights. When asked why US bureaucrats might continue to pursue this course even after costs and consequences manifested, the same former State Department officer responded simply: “The system starts to believe its own rhetoric” (Interview #5).

Control mechanisms could also be seen as playing a rationalizing role in the trade-off between working with the SDF, at the cost of relations with Turkey. Control

mechanisms like weapons tracking and limitations (as well as the renaming of the SDF) were the compromise that the US bureaucracy identified as the middle ground that would allow it to work with the highly valued SDF but also address Turkey's concerns with the partnership. In reality, it was always a false middle ground, given that such tactical controls would never have addressed Turkey's objections to arming PKK-linked forces. The same former State Department officer who had discussed the pathology of US foreign policy saw it as an attempt to paper over the failure to make tough decisions between competing priorities: "There was no decision to abandon Turkey and its preferences, and no decision to abandon the fight against ISIL" (Interview #5). Instead, the facial compromise of applying control mechanisms that addressed Turkey's concerns allowed the bureaucracy to go forward without making a choice between ultimately irreconcilable foreign policy goals. In essence, control mechanisms allowed a reluctant bureaucracy to rationalize an extremely difficult and unpalatable choice.

Enabling a Broader Practice

All three of the above enabling functions might contribute to LHSF use or authorization in any given instance. In any given authorization moment or decision, control mechanisms might enable a compromise, appear to diminish the costs and tip the balance toward authorization, or help sustain an unpalatable partnership by rationalizing the trade-offs involved. Assuming that these different enabling functions happen across any number of countries and any number of potential LHSF partnership situations, we might expect more situations in which US policymakers are persuaded to go forward with LHSF engagement, and an overall more frequent turn to partnering with LHSFs.

In addition, the last two propositions, related to control mechanisms' rationalizing properties, offer a larger explanation or theory for how a repertoire of LHSF controls might help rationalize the practice of partnering with LHSFs overall. To construct such a theory, it is helpful to reflect on the bargaining triggers and other criteria that distinguished large-scale or counterinsurgency-focused LHSFs from the more covert counterterrorism auxiliary forces. The prominence and operating modalities of the larger LHSF partners inevitably captured more public and stakeholder attention, and with it demands for accountability and some response to the costs and trade-offs involved. This rule of thumb, that there will be greater attention to the risks and costs of LHSFs where they are more overtly supported and widely known, applies not only with regard to any single LHSF initiative but also to the practice as a whole. During the Cold War, the US supported a range of guerrillas, rebels, self-defense forces and death squads in countries including Afghanistan, Nicaragua, Colombia, El Salvador, and Peru (Paterson 2016; W. Rosenau and Gold 2019; B. B. Campbell and Brenner 2000). While some of these came to

public or Congressional attention (and where they did so, greater demands to rein them in (Mertus 2008; Forsythe 2016; Martin and Sikkink 1993)), the practice as a whole was still largely covert. These were operations happening in the shadows, and a plausibly deniable part of US foreign policy.

After 2001, US foreign policy has gradually embraced LHSF partnerships much more frontally. The experience of the *sahwa* and the ALP in Iraq and Afghanistan meant that the US had mobilized and supported some 120,000 tribal militiamen and former insurgents between 2006 and 2013.⁵⁶ This was not a secret endeavor but one of the most prominent elements of the US strategy in both countries, with its own self-legitimizing narrative. For more than a decade, US politicians and officials trumpeted community-based forces and alternative security arrangements as not only more effective but potentially also more legitimate than those bearing “state” or “formal” labels in weak, corrupt, or failing states (See, e.g., McChrystal 2009; Obama 2014; U.S. House 2014a; U.S. Senate 2008). This sort of “bottom-up” security sector development – as it was often framed – dovetailed with and was further rationalized by ideational trends toward so-called “second generation,” “community-based,” or alternative governance approaches within the larger statebuilding discourse (Suhrke 2015; Sedra 2018; Goodhand and Sedra 2013; MacGinty and Richmond 2015). These larger narratives and the regular practice of working with LHSFs in multiple large-scale and multi-year initiatives gradually normalized this type of partnership. Working with other non-state, community-based, informal or hybrid security actors became an acceptable option for pursuing security and governance objectives, at least as much as working with other states. Although not with the same public transparency, the use of LHSFs as auxiliary counterterrorism partners has also in its own way become a more normalized practice. While any given partnership retains its operational secrecy, the practice as a whole is not broadly denied. Such partnerships form an accepted part of the “by, with, and through” operating paradigm, supported by a publicly disclosed, known, congressionally endorsed funding line, the 127e fund.

As LHSFs have come out of the shadows and become a more overt and regular part of US operating modalities and security strategies, the risks surrounding these forces have to be more openly reconciled with other US commitments and interests, whether those related to promoting human rights, or preferences for working through state institutions. Considering (per BPA expectations) the US less as a unitary actor and more as a policy arena made up of competing institutions, each with its own foreign policy

⁵⁶ By April 2008, more than 95,000 forces had registered with the *sahwa* initiative (Bruno 2009); by the end of 2013, approximately 25,000 ALP had been mobilized (UNAMA 2014: 50). The ALP numbers increased to a height of 29,000 forces by 2017, but at this point US forces were less directly involved in mobilization efforts (UNAMA 2018: 49).

tendencies, values, and guiding mission sets, helps to understand why such rationalizations might be important. While parts of the US security or defense establishment might find the costs or side effects of LHSFs to be acceptable given their need for immediate security partners, other parts of the US bureaucracy might weigh the costs to other priorities or to long-term US interests more heavily. For example, parts of the State Department might find it difficult to reconcile such partners with their state-building goals, or concerns about legal consequences or human rights commitments. As these partnerships became more regular, these other parts of the bureaucracy would have to find a way to reconcile regular support to LHSFs with their core values and mission sets. Control mechanisms allow an administration like the Obama Administration – filled with lawyers and human rights champions – to support partnerships that unquestionably compromised the missions or values that they personally or institutionally identified with. They do so by allowing policymakers to proceed as if the risks had been appropriately regulated and mitigated to the extent possible.

While these dilemmas came to the fore prominently with the members of the Obama Administration who were concerned about accountability and rights issues, this is not a single administration phenomenon. The same approaches continued under the Trump Administration, which as a whole did not share the same sensitivities. BPA suggests that once adopted, standard operating procedures and scripts can be slow to change. The even deeper organizational tendencies and mission sets may be even harder to dislodge. Thus, notwithstanding substantial changes in leadership under the Trump Administration, the State Department bureaucracy as a whole still maintained its overall mission set and lenses. The deeper reservations about how a broad LHSF practice might compromise other US commitments, principles, and operating practices would still be firmly entrenched in the bureaucracy, as would (at this point) the tendency to respond to them with appropriate risk mitigation and control mechanisms. It is notable that by the end of the Trump Administration, there was no substantial retrenchment of existing control mechanisms. Instead, there was further expansion, with human rights controls even added to the counterterrorism auxiliary partners supported by the 127e fund.

In sum, setting aside any particular LHSF decision-making moment or administration preferences, the practice as a whole was in tension with larger US bureaucratic mission sets, values, and “pathologies,” as the State Department officer quoted above framed it (Interview #5). To be sustained on a systemic basis, these required some degree of rationalization and bureaucratic adjustment. Control mechanisms did so by rationalizing such risk-taking at a systemic level across the bureaucracy. In this light, control mechanisms might be viewed as a regulatory accoutrement or byproduct of the larger trend toward a “by, with and through” strategy

– a policy self-justification that results where the advantages of LHSFs cannot be reconciled with their likely cost to other US commitments and foreign policy images. In doing so they act as a larger enabling device for the “by, with and through” paradigm and for these types of partnerships.

It is important to emphasize that control mechanisms did not facilitate a more expansive LHSF practice on their own. Threat perceptions, security demands, and limitations in what the US policy arena or public would tolerate in terms of US troop exposure were important drivers of this expansive LHSF practice. Legal theories and innovations developed since 2001 – pushing the envelope on legal interpretations of executive power under US law and of sovereign self-defense rights within international law – have provided the legal architecture for using LHSFs more regularly as counterterrorism auxiliaries and surrogates in other countries. The larger ideational trends noted above, of embracing, alternative non-state or hybrid security governance and “bottom-up” state building also helped facilitate bureaucratic acceptance of this practice. However, control mechanisms would also play their part, by quieting dissent and rationalizing the practice against larger US commitments and risk preferences.

What this overall discussion has suggested is that control mechanisms may have very little to do with actually controlling or constraining the behavior of the agents in question. Instead, they have largely been used to justify acceptance of the costs and consequences implicit in these imperfect partnerships, in ways that respond to the demands and practices of the 21st century regulatory state. Much of Principal-Agent theory’s consideration of such proxy or surrogate relationships focuses on the ways that environmental factors, information asymmetries, or other agent or principal characteristics make it impossible to control or constrain costly behavior. However, as viewed from this larger lens, the real challenge presented by such control mechanisms might not be the degree to which they fail to constrain risks, but that they worked all too well in terms of enabling risky choices in larger political decision-making.

List of Interviews

Some interviews were conducted prior to the start of this PhD project, as part of research intended for an academic legal article and other policy analysis. These are listed first, and coded separately as P1, P2, etc., in any attribution within the thesis. The vast majority of interviews were conducted by the author, but the author interviews were supplemented by additional data shared by a host research institution, the Global Public Policy institute. These are identified as “GPPI interviews” in the subsequent list.

Prior Interviews

1. US official tracking TMF program, Erbil, Iraq, December 7, 2016
2. US official tracking TMF program, Erbil, Iraq, February 28, 2017 (follow up to #1)
3. US official tracking TMF program, by Skype, July 3, 2017 (follow up to #1)
4. Kurdistan Training Coordination Center representative and press spokesperson, Erbil, Iraq, December 3, 2016
5. Dutch diplomat covering Iraq and Syria portfolios, with past experience in Afghanistan, Berlin, Germany, August 17, 2016
6. Two representatives from the German Ministries of Foreign Affairs and Defense covering Iraq, Berlin, Germany, August 9, 2016
7. Four officials (senior and junior) managing Leahy law application at the State Department (DRL), Washington DC, August 29 2016
8. Point person for Afghanistan Leahy law application at the Department of Defense, Washington, DC, September 1, 2016
9. US official with Office of the Special Representative for Afghanistan and Pakistan, Washington, DC, September 1, 2016
10. Former Pentagon desk officer in charge of Leahy law application in Afghanistan, August 10, 2017, by telephone, February 19, 2017
11. Former Afghan official and advisor to President Hamid Karzai, Washington, DC, September 2, 2017
12. Former State Department Syria desk officer, Washington, DC, August, 28, 2016
13. US Special Operations officer leading the ALP advisory cell, Kabul, Afghanistan, November 12, 2017,
14. Brigadier General Ghulam Sakhi Gharany, Director of the ALP Monitoring and Accountability Unit, Ministry of Interior, Kabul, Afghanistan, November 13, 2017

15. Staffmember of the UNAMA political unit, Kabul, Afghanistan, November 15, 2017
16. Shahmahmoud Miakhel, Director of the United States Institute of Peace Afghanistan office, Kabul, Afghanistan, November 14, 2017
17. Senior UK military officer acting as Deputy Advisor Ministry of Interior, together with US Army Special Operations forces representative, Kabul, Afghanistan, November 14, 2017
18. German military trainer assigned to mentoring position at the Ministry of Peshmerga and the KTCC, Erbil, Iraq, December 17, 2016
19. Special assistant working on the State department anti-ISIL strategies and policies in Iraq and Syria, by telephone, November 22, 2016
20. Leader of a tribal force formerly part of the Tribal Mobilization Forces, Rabi'a Iraq, February 27, 2017
21. Special advisor with Afghanistan's National Security Council, Kabul, Afghanistan, November 14, 2017
22. Sajad Jiyad, Analyst, Al-Bayan Center, by Skype, July 17, 2017
23. Iraqi political analyst, by telephone, July 13, 2017
24. Former Pentagon desk officer in charge of Leahy law application in Afghanistan, by telephone, February 19, 2017 (Follow up call to #10)
25. Defense attaché at the US Embassy-Kabul, Kabul, Afghanistan, November 16, 2017
26. Former international researcher following local defense forces in northern Afghanistan, by telephone, November 8, 2016
27. Former Senior Department of Defense official on Afghanistan and Pakistan issues, 8/24/2016, Washington DC
28. International humanitarian law specialists following US protection of civilians and partner assistance issues, Washington, DC, August 30, 2016
29. Iraq specialist, USIP, MENA program, Washington, DC, August 26, 2016
30. Human rights advocate focusing on accountability in US security assistance, Washington, DC, August 29, 2016
31. Representatives from UNAMA's political unit, Kabul Afghanistan, November 15, 2017
32. Informal roundtable discussion on the ANA-TF proposal with representatives from a number of diplomatic missions, an Afghan government ministry, and international organizations, Kabul, Afghanistan, November 13, 2017

33. Specialist in militias and security assistance at an international thinktank, Washington, DC, August 19, 2016
34. Former US intelligence officer serving in Iraq and Afghanistan, Kabul, Afghanistan, November 11, 2017
35. Tribal militia force leader in southern Ninewa, December 6, 2016, Erbil, Iraq.
36. State Department political officers, Erbil, Iraq, December 6, 2016
37. Tribal leader from the Shammar tribe, Zummar area, Erbil, Iraq, December 5, 2016
38. Tribal leader consulted about (TMF) tribal mobilization in Ninewa, Erbil, Iraq, December 8, 2016
39. Tribal leader from Ninewa sponsoring a TMF group, December 15, 2016
40. Haitham al-Mayahi, director of PMF media office for the Mosul operations and political advisor to Hadi al-Ameri, Erbil, Iraq, December 6, 2016
41. Deputy Chief of Police, Qayarra city, Ninewa province, Iraq, February 20, 2017
42. Deputy Director of Ninewa Intelligence, Qayarra city, Ninewa province, Iraq, February 20, 2017
43. Head of local council, Qayarra city, Ninewa province, Iraq, February 20, 2017
44. District Manager (Mayor) of Qayarra, Qayarra city, Ninewa province, Iraq, February 21, 2017
45. Local community leader (mukhtar), Qayarra city, Ninewa province, Iraq, February 21, 2017
46. Local shaikh and former Mosul official, Hud village, Ninewa province, Iraq, February 20, 2017
47. Staff Brig Gen Muhammad al Jbouri, military commander for TMF in Qayarra, March 6, 2017
48. General Ahmed Rafad, Federal Police commander for Southern Ninewa, March 6, 2017
49. Local TMF members, Shora subdistrict, Ninewa province, March 7, 2017
50. Abu Sadeq, acting mayor of Mosul, Erbil, Iraq, March 24, 2017
51. Fahd Khalaf Jasim, former head of a TMF unit, Rabi'a district, Ninewa province, Iraq, February 27, 2017
52. Nawfel Akoub, Governor of Ninewa province, Erbil, Iraq, February 19, 2017

53. Atheel Nujaifi, former Governor of Ninewa province, Erbil, Iraq, March 2, 2017

Interviews conducted in the course of the PhD

1. UK policing and security specialist, by Skype, September 28, 2020
2. Former State Department advisor, involved in Syria non-lethal assistance policy discussion, London, March 24, 2018
3. Former senior State department official involved in war crimes and global justice issues, London, March 26, 2018
4. Karin von Hippel, former Deputy Assistant Secretary, CSO, State Department, London, March 29, 2018
5. Former State Department officer involved in coordination on anti-ISIL programs and strategies, London March 30, 2018
6. Former non-US political advisor on support to southern FSA groups (involved in the MOC), London, May 30, 2018
7. European diplomat involved in non-lethal assistance to Syrian opposition, Istanbul, Turkey, May 4, 2018
8. Senior diplomat, Istanbul, Turkey, May 8, 2018
9. Former FSA spokesman and coordinator, Istanbul, Turkey, May 8, 2018,
10. European diplomat involved in non-lethal assistance programming to Syrian opposition, Istanbul, May 8, 2018
11. Melissa Dalton, Senior Fellow, CSIS, and former senior advisor to the Under Secretary of Defense for Policy at DoD, Washington, DC, June 6, 2018
12. USIP roundtable on local tribal reconciliation with Iraqi tribal representatives, Washington, DC, June 7, 2018
13. Becky Zimmerman, RAND analyst, former advisor to ALP initiatives, Washington, DC, June 20, 2018
14. Former senior advisor to US commanders in Iraq and Afghanistan from 2004 until 2009, Washington, DC, June 15, 2018,
15. Senior DoD policy official with prior deployments in Iraq and Afghanistan, Washington, DC, June 19, 2018
16. Richard Fontaine, CEO of Center for New American Security and former Chief of Staff for Senator John McCain, Washington, DC, June 14, 2018,

17. Former US intelligence officer serving in Iraq and Afghanistan, Washington, DC, June 15, 2018 (follow-up to #P34)
18. Mike Pregent, Analyst, Hudson Institute, previous military advisor working with Peshmerga and Mol in Iraq, Washington DC, June 24, 2018,
19. Syria analyst and researcher engaged in field mapping, Washington, DC, June 15, 2018,
20. State department officer working on Syria programming, Washington, DC, June 23, 2018
21. Two members of the Senate Armed Services Committee staff, Washington, DC, June 13, 2018
22. Nick Heras, Syria analyst, Center for New American Security, by telephone, June 20, 2018
23. Jeff Martini, analyst, RAND corporation, Washington, DC, June 20, 2018
24. Former State department officer working on Syria non-lethal assistance programming, by telephone, July 6, 2018
25. Afghan researcher, by Skype, July 9, 2018
26. Anand Gopal, journalist and analyst (Afghanistan, Syria, and Iraq), by Whatsapp, July 31, 2018
27. Noah Bonsey, International Crisis Group Syria analyst, by Whatsapp, August 1, 2018
28. Senior scholar focused on Afghanistan armed groups and security sector assistance, London, March 28, 2018
29. Former UK officer within ISAF command, London, December 17, 2017
30. Human rights advocate engaged in ALP and other Afghanistan advocacy 2007 to 2010, Washington, DC, July 13, 2019
31. Human rights advocate engaged in ALP and other Afghanistan advocacy 2006 to 2020, by Whatsapp, May 12, 2020
32. Justice and political affairs officer for State department Office of the Senior Representative for Afghanistan and Pakistan, Washington, DC, August, 27, 2016
33. Chris Kolenda, former US commander in eastern Afghanistan, former advisor to General Stanley McChrystal, Washington DC, May 16, 2019
34. Intelligence officer detailed to monitor tribal groups and the late stage TMF in 2018, by telephone, September 14, 2018

35. Syria security advisor, former UK Royal Marine based in Helmand, Istanbul, Turkey, September 20, 2018
36. US State Department contractor administering Syria opposition support, Istanbul, September 21, 2018
37. Former FSA communications and training coordinator, Istanbul, September 22, 2018
38. FSA commander, Gaziantep, Turkey, September 25, 2018
39. FSA commander, by telephone, September 24, 2016
40. Political leader with US-supported FSA group, Gaziantep, September 24, 2018
41. Commander formerly with the Al Zenki group, by telephone, September 24, 2018
42. Manager for contracting organization implementing Syria non-lethal assistance and stabilization programming, Istanbul, September 27, 2018
43. Southern FSA commander, by telephone, September 30, 2018
44. Analyst specializing in northern and central Iraq, Sulaimani, Iraq, October 7, 2018,
45. Intelligence officer detailed to monitor tribal groups and the late stage TMF in 2018, Erbil, Iraq, October 10, 2018 (follow up to #34)
46. Roundtable discussion with diplomatic representatives from donor countries engaged in stabilization and local support programming in Iraq, Baghdad, Iraq, November 1, 2018
47. Safa Rasoul Al-Sheikh, Deputy National Security Advisor for Iraq, Baghdad, Iraq, November 5, 2018
48. Iraqi security researcher working in Anbar, November 5, 2018, Baghdad, Iraq
49. Retired US colonel, formerly managing sahwa tracking from Baghdad, Erbil, Iraq, November 6, 2018
50. UK military advisor, Erbil, Iraq, November 15, 2018,
51. UK Military advisor, Erbil, Iraq, November 15, 2018
52. DoD official managing security sector assistance, Erbil, Iraq, November 17, 2019
53. Advisors to Masroor Barzani, Erbil, Iraq, November 17, 2019
54. Mohammed Salmān, Advisor to the Iraqi Prime Minister on Reconciliation, Baghdad, Iraq, November 18, 2018
55. Representative of NGO engaging with Syrian Democratic Forces on conduct issues, by Whatsapp, October 16, 2018

56. Freelance journalist specializing in research in the Rojava area of Syria, Erbil, Iraq, October 18, 2018
57. Security advisor based in Qamishli, by telephone, October 20, 2018
58. GPPi interview with Dr. Omer, Co-Chairman of Foreign Affairs for the Syrian Democratic Council, Qamishli, November 8, 2018
59. GPPi interview with senior advisor to the SDF, Qamishli, November 8, 2018
60. GPPi interview with local researcher, Qamishli, November 12, 2018
61. GPPi interview with Serwan Derwish, Spokesman of the Manbij Military Council, Kobane, November 9, 2018
62. GPPi interview with Amjed Osman, Syrian Democratic Council, Qamishli, November 10, 2018
63. GPPi interview with representative of political party in the Rojava area of Syria, Qamishli, November 10, 2018
64. GPPi interview with former Media Center Employee, Qamishli, November 11, 2018
65. GPPi interview with political party representative, Qamishli, November 11, 2018
66. GPPi interview with political party advisor, November 11, 2018
67. GPPi interview with SDF media center, November 11, 2018
68. GPPi interview with leader of Sunni Arab group working with SDF, Tel Alo, Rojava, November 11, 2018
69. GPPi interview with Syrian Democratic Council Spokesman, Terbas Bia, Rojava November 12, 2018
70. GPPi interview with Gabriel Kino, SDF Spokesman, Qamishli, November 12, 2018
71. Muhammad Abo Adel, Military leader of Manbij Military Council, by Whatsapp, November 12, 2018
72. Roundtable discussion with Combined Joint Task Force Iraq Political and military advisors, Baghdad, Iraq, November 19, 2018
73. Senior Dutch Political official, Bonn, Germany, November 19, 2018
74. Tamim Asey, former Ministry of Defense official involved in the ANA-TF (Afg), London, November 29, 2018
75. UN human rights investigator, by telephone, March 9, 2019

76. US senior military commander who mentored local forces in Iraq and Afghanistan, Baghdad, Iraq, March 9, 2019
77. Two mid-level US military officials involved in Iraq security force advising, Baghdad, Iraq, March 9, 2019
78. Major General Pat Robertson, Deputy Commanding General for Special Operations Joint Task Force – Operation Inherent Resolve in Iraq, Baghdad, Iraq, March 10, 2019
79. Hashim al-Hashimi, Iraqi researcher and analyst, Baghdad, Iraq, March 12, 2019
80. Political advisor to Combined Joint Task Force operations in Iraq and Syria, Baghdad, Iraq, March 15, 2019,
81. Rian Kaldani, leader of Christian PMF group, Baghdad, Iraq, March 14, 2019
82. Middle East analyst, Washington, DC, May 8, 2019
83. Former DRL officer involved in Leahy vetting, Washington DC, May 14, 2019
84. Charles Lister, senior fellow and Syria specialist at the Middle East Institute, Washington, DC, May 23, 2019
85. Senate staff, Washington, DC, May 28, 2019
86. Former senior Obama administration official, by telephone, May 29, 2019
87. Former US military intelligence officer (Afghanistan) and policy advisor at DoD (Syria), Washington, DC, May 29, 2019,
88. State department officer working on Syria policy and programming, Washington, DC, May 30, 2019 (follow-up to #20)
89. Senate Armed Services Committee staff, Washington, DC, May 31, 2018,
90. department officer working on Iraq and Syria anti-ISIL policy and programming, by Whatsapp, June 4, 2019
91. State department officer working on governance in northeast Syria, formerly working as an implementing partner on Syria opposition support, Washington, DC, June 6, 2019
92. Senate Armed Services Committee staff, Washington, DC, June 6, 2019,
93. House staffer involved in foreign operations oversight and accountability issues, Washington, DC, June 6, 2019
94. US advisor on ANA-TF development, by telephone, June 10, 2019

95. Former US commander with experience in Afghan security force development and specialist in US proxy warfare strategies, Washington, DC, June 13, 2019
96. Ret. Lt. Gen. Charlie Cleveland, formerly commander of US Army Special Operations Command, by telephone, June 18, 2019
97. Former senior US Special Operations Commander, involved with sahwa, Afghan force training, and early Syria planning, by telephone, June 26, 2019
98. Former USAID official involved in US Syria assistance, September 18, 2019, Washington, DC
99. Senate Armed Services Committee staff, Washington, DC, September 24, 2019
100. Matthew Dearing, Assistant Professor, formerly US Army social scientist evaluating counterinsurgency operations in Afghanistan, Washington, DC, September 25, 2019
101. Senate staff, Washington, DC, September 29, 2019
102. Former advisor to General Petraeus in Iraq and Afghanistan, Washington, DC, November 14, 2019
103. State department staff with past experience in Syria and Iraq anti-ISIL policies and programs, Washington, DC, November 18, 2019
104. US stabilization and security advisor with experience in Iraq and Afghanistan, by telephone, September 24, 2020
105. Former State Department officer, Washington, DC, November 20, 2019
106. Consultant previously conducting stabilization evaluations in Afghanistan, by Skype, January 11, 2018
107. Governance specialist in Afghanistan and Syria, by email, January 26, 2020
108. Former US official overseeing the TMF program, by telephone, February 18, 2020
109. Special Forces with the ALP advisory unit, by Whatsapp, February 24, 2020
110. Toby Dodge, Professor, Iraq historian, and former advisor to General David Petraeus, by telephone, March 31, 2020
111. Mike Hutchinson, former ALP mentor, also advising on ANA-TF development, Kabul, Afghanistan, July 27, 2019
112. Interview with two Uprising Force leaders from the Shinwari tribe, Jalalabad, Nangarhar, July 20, 2019
113. Roundtable discussion with six tribal elders from the Kot district of Nangrahar province, Afghanistan, July 20, 2019

114. NDS provincial director, Afghanistan, July 20, 2019
115. Focus group discussion with seven elders from Bati Kot district, Nangrahar, Afghanistan, July 21, 2019
116. Senior Afghan government official, Kabul, Afghanistan, July 21, 2019
117. Local researcher investigating governance and security dynamics surrounding ALP, Jalalabad, Afghanistan, July 21, 2019
118. ANA commander working with ANA-TF, Jalalabad, Afghanistan, July 22, 2019
119. Nangrahar-based researcher conducting research into ALP, Kabul, Afghanistan, July 23, 2019
120. Western security expert and political officer, Kabul, Afghanistan, July 23, 2019
121. Senior Afghan government official involved in ANA-TF policy coordination, Kabul, Afghanistan, July 23, 2019
122. Afghan researcher documenting ALP and other security dynamics in Wardak province, Kabul, Afghanistan, July 23, 2019
123. Junior Afghan official involved in ANA-TF monitoring and tracking, Kabul Afghanistan, July 23, 2019
124. Security analyst focused on Eastern Afghanistan, Kabul, Afghanistan, July 23, 2019
125. Former member of the High Peace Council staff, Kabul, Afghanistan, July 24, 2019
126. Member of Special Forces ALP Advisory cell, Kabul, Afghanistan, July 25, 2019
127. Khosna Jalil, Director of Security Policy, Kabul, Afghanistan Mol, July 25, 2019
128. UNAMA political officer, Kabul, Afghanistan, July 26, 2019
129. Former State department official working with the TMF initiative, by telephone, April 21, 2020
130. Mark Jacobson, former deputy political advisor at the NATO mission in Afghanistan, by Zoom, April 24, 2020
131. State Department staff involved in anti-ISIL policy coordination, by telephone, April 26, 2020
132. Former UNAMA security advisor, by Skype, May 28, 2020
133. GPPi interview with US military officers involved in ANA-TF program development, Kabul, Afghanistan, April 22, 2018

134. GPPI interview with Afghan official involved in policy development surrounding the ANA-TF, May 9, 2019
135. Ret. Lt. Gen. Mike Nagata, by telephone, October, 12, 2020,
136. Former senior US government official based in Afghanistan, Washington, DC, November 24, 2020
137. UK advisor to several NATO mission in Afghanistan, by Whatsapp, September 14, 2020
138. NATO policy advisor, by telephone, September 24, 2020
139. Deedee Derksen, researcher, by Whatsapp, March 22, 2021
140. US government official involving in ALP and stabilization evaluations, by telephone, March 26, 2021
141. US government official formerly advising local force development in eastern Afghanistan, by telephone, March 26, 2021
142. Graeme Smith, Afghanistan researcher, London, March 28, 2021
143. Shahmahmoud Miakhel, former senior Afghan official in MoI and MoD, by Whatsapp, March 31, 2021
144. Former US military commander and security sector expert, by telephone, April 1, 2021
145. Afghanistan political economy expert, by telephone, April 7, 2021
146. Ali Jalali, former Afghan Minister of Interior, by telephone, April 13, 2021
147. Afghan security sector expert, by Whatsapp, April 13, 2021
148. Senior Afghan government security official, by Whatsapp, April 16, 2021
149. Andrew Watkins, International Crisis Group, by Zoom, April 20, 2021
150. Ambassador Karl Eikenberry, by Zoom, April 28, 2021
151. Former DoD Policy Advisor, by telephone, May 3, 2021
152. Lt. Col. (ret.) Scott Mann, senior US Special Forces commander involved in VSO/ALP development and early mobilization, by telephone, May 5, 2021
153. General (ret.) H.R. McMaster, former senior US commander in Iraq and Afghanistan and former US National Security Advisor, by telephone, May 5, 2021

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